

## **POLICY STATEMENT A: Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy**

### **POLICY PROHIBITING SEX DISCRIMINATION, SEXUAL MISCONDUCT AND INTERPERSONAL VIOLENCE**

Aurora University (the “University”) is committed to providing a learning, working and living environment that promotes personal integrity, civility and mutual respect. Aurora University does not discriminate, or tolerate discrimination, against any member of its community on the basis of race, color, national origin, ancestry, sex/gender, age, religion, disability, pregnancy, veteran status, marital status, sexual orientation, or any other status protected by applicable federal, state or local law in matters of admissions, employment, or in any aspect of the educational programs or activities it offers.

#### **I. Applicable Law and Policy Statement**

This Policy supplements the Zero Tolerance Policy and addresses the requirements of Title IX of the Education Amendments of 1972 (“Title IX”), as well as the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Illinois Preventing Sexual Violence in Higher Education Act. Title IX is the federal law that prohibits sex discrimination in federally funded education programs and activities. VAWA is a more recent federal law that addresses domestic violence, dating violence, sexual assault, and stalking in higher education. The Illinois Preventing Sexual Violence in Higher Education Act is a recent state law that addresses student allegations of sexual violence, domestic violence, dating violence and stalking at higher education institutions.

Title IX, which articulates the fundamental anti-discrimination principle that underlies all of the above laws, states as follows:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

Consistent with these and other applicable state and federal laws, Aurora University prohibits discrimination on the basis of sex, sexual orientation, and/or gender in any University program or activity. “Sexual misconduct,” including sexual harassment, sexual assault, sexual violence, and sexual exploitation, is a form of sex discrimination and is prohibited by this Policy. “Interpersonal violence,” including dating violence, domestic violence, and stalking, is also prohibited by this Policy.

The University’s prohibitions against sex discrimination, sexual misconduct, and interpersonal violence apply to all students, faculty, and staff, to other members of the University community, as well as to contractors, consultants, and vendors doing business or providing services to the University in accordance with the Zero Tolerance Policy.

Moreover, this Policy applies to on-campus and off-campus conduct, including online or electronic conduct, when the off-campus conduct: (i) occurs during a University sponsored employment or education activity or program; (ii) adversely impacts the education or employment of a member of the University community; or (iii) otherwise threatens the health and/or safety of a member of the University community.

## II. Relevant Definitions

Throughout this Policy, the "complainant" or the "reporting party" is the party alleging sexual misconduct or interpersonal violence or the party to whom sexual misconduct or interpersonal violence was directed. The "respondent" or "responding party" is the party accused of sexual misconduct or interpersonal violence. In unusual circumstances, the University itself may constitute the Complainant or may initiate an investigation. An individual who reports sexual misconduct or interpersonal violence occurring between individuals other than him/herself is referred to as a "third party reporter" or "witness."

## III. Responsible University Personnel

### A. Title IX Coordinator and Assistant Title IX Coordinators

The University has designated a Title IX Coordinator to whom it has delegated day-to-day responsibility for this Policy. Contact information for the University's Title IX Coordinator is below:

Shaun Neitzel, Dean of Student Life and Title IX Coordinator  
Office location: 105C Eckhart Hall  
Phone: 630-844-6515  
Email: [sneitzel@aurora.edu](mailto:sneitzel@aurora.edu)

The Title IX Coordinator is responsible for implementing and monitoring compliance with Title IX, VAWA, and the Illinois Preventing Sexual Violence in Higher Education Act on behalf of the University. This includes coordination of training, education, communications, and administration of grievance procedures for the handling of suspected or alleged violations of this Policy. The Title IX Coordinator is also responsible for maintaining documentation of all reports of incidents of sex discrimination, sexual misconduct and interpersonal violence, and for establishing a protocol for recordkeeping of such incidents.

In addition, the following members of the University community have been designated to assist with the development, enforcement, and compliance of this Policy:

Ann Almasi-Bush Assistant Dean of Student Life and Assistant Title IX Coordinator  
Office location: 105A Eckhart Hall  
Phone: 630-844-4578  
Email: [aalmasi@aurora.edu](mailto:aalmasi@aurora.edu)

Dr. Amy Gray, Vice President for Student Student Success and Assistant Title IX Coordinator  
Office location: 310C Eckhart Hall  
Phone: 630-844-5467  
Email: [agray@aurora.edu](mailto:agray@aurora.edu)

Dr. Kate Herrick, Vice President for Academic and Student Life GWC and Assistant Title IX Coordinator  
Office location: Meyer Hall  
Phone: 262-245-8581  
Email: [kherrick@gwc.aurora.edu](mailto:kherrick@gwc.aurora.edu)

Nicole Pieart, Associate Athletic Director/Student Well-being and Assistant Title IX Coordinator  
Office location: 245 Alumni Hall  
Phone: 630-844-6174  
Email: [npieart@aurora.edu](mailto:npieart@aurora.edu)

Mary Weis, Vice President for Human Resources and Assistant Title IX Coordinator  
Office location: 104 Eckhart Hall  
Phone: 630-844-3866  
Email: [mweis@aurora.edu](mailto:mweis@aurora.edu)

The Assistant Title IX Coordinators are also responsible (i) for implementing and monitoring Title IX compliance at the University, (ii) for notifying the Title IX Coordinator of any alleged or suspected violations of this Policy and the Zero Tolerance Policy, and (iii) for resolving such alleged or suspected violations, regardless of whether a grievance is submitted.

Any inquiries regarding Title IX, the Illinois Preventing Sexual Violence in Higher Education Act, or the University's Policy should be directed to the Title IX Coordinator or to one of the Assistant Title IX Coordinators identified above.

Individuals may also contact the U.S. Department of Education's Office for Civil Rights or the Equal Employment Opportunity Commission for additional information.

Office for Civil Rights  
U.S. Department of Education-Chicago Office  
500 W Madison St., Suite 1475  
Chicago, IL 60661-4544  
Telephone: (312)730-1560  
[ocr@ed.gov](mailto:ocr@ed.gov)

U.S. Equal Employment Opportunity Commission  
Chicago District Office  
1500 West Madison Street, Suite 2000  
Chicago, IL 60661  
Telephone: (800) 669-4000

## **B. Responsible Employees**

With the exception of the confidential resources identified below, all employees (other than student workers) directly employed by the University whose job responsibilities require direct contact with students or employees are designated as "Responsible Employees." At the present time, student employees are only designated as "responsible employees" when they fall into the following four categories: Peer Advisors, Resident Assistants, Graduate Assistants, and Campus Public Safety student workers. Responsible Employees are available to speak with any member of the University community regarding an alleged or suspected violation of this Policy. Responsible employees are also obligated to report any alleged or suspected incident of sex discrimination, sexual misconduct, or interpersonal violence to the Title IX Coordinator or an Assistant Title IX Coordinator. If the reporting party does not want the University to take action on the complaint, or does not want his/her identity revealed, the

Responsible Employee will notify the Title IX Coordinator who will determine whether the reporting party's wishes can be honored. For additional information regarding how the Title IX Coordinator will evaluate requests for confidentiality or that no investigation or discipline be pursued, see *Reporting Options and Available Resources: Section IV* below.

### **C. Outside Confidential Advisors and Other Confidential Resources**

As discussed in more detail in Section VII below, the University entered into an Agreement whereby certain individuals employed at Mutual Ground will serve as confidential advisors for Aurora students who may have experienced or witnessed sexual misconduct. These confidential advisors are available to discuss alleged or suspected violations of this Policy in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to confidential advisors will not trigger the University's investigation into an incident. The University and outside agencies also make available other confidential resources. See Section VII below.

## **IV. Prohibited Conduct**

### **A. Sex Discrimination**

Sex discrimination is adverse treatment of an individual based on sex or gender. Sex discrimination encompasses sexual misconduct, as defined below, but also includes other behavior that does not constitute sexual misconduct.

Complaints of sex discrimination that are not based on sexual misconduct should be reported to the Title IX Coordinator and will be resolved through the appropriate University process as determined based on the specific facts of the complaint. Sex discrimination complaints that are not based on sexual misconduct (as defined below) will **NOT** be handled through the Procedures set forth in this Policy.

### **B. Sexual Misconduct**

The following offenses are considered sexual misconduct and are prohibited by this Policy. Complaints regarding the following will be handled pursuant to the Investigation and Resolution Procedures set forth in this Policy.

1. **Sexual Harassment:** Sexual harassment is unwelcome communication or conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, or verbal, nonverbal or physical conduct of a sexual nature without regard to whether the parties are of the same or different genders where:
  - submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or the educational relationship, status in a position of employment or an academic course or program, or participation in any University activity or is used as the basis for employment or educational decisions affecting that individual (also referred to as "quid pro quo"); or
  - such conduct is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or

- such conduct has the effect of unreasonably interfering with a student’s or employee’s work or educational performance or creating an intimidating, hostile, or offensive working, educational, or living environment.

In considering whether conduct constitutes sexual harassment, the University considers the totality of the circumstances. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include, but are not limited to:

- Physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, molestation, or attempts to commit these acts. (Please refer also to the University’s definition of sexual violence.)
- Intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body.
- Offering or implying a job- or education-related reward (such as a pay increase, a favorable employment evaluation, a job promotion, a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct.
- Threatening or taking a negative employment or educational action (such as a reduction in pay, a negative employment evaluation, or a demotion, giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because sexual conduct is rejected.
- The use or display in the workplace or classroom, including electronic means, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical or other justification.
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience.

2. **Sexual Violence**: Sexual violence (often referred to as “sexual assault”) is a particular type of sexual harassment that involves actual or attempted sexual contact with another person without that person’s consent. Sexual violence may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Sexual violence includes, but is not limited to:

- **Non-Consensual Sexual Contact**: The touching of the private body parts of another person for the purpose of sexual gratification, when consent is not present or coercion and/or force is used. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.
- **Non-Consensual Sexual Intercourse**: Any penetration, however slight, of the vagina or anus with any object or body part, or oral penetration by a sex organ of another person, by a man or woman upon a man or a woman, when consent is not present or coercion and/or force is used.
- **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state in which the incident

occurred. (For incidents that occur outside of the U.S. (e.g., study abroad programs), Illinois law will apply in determining a violation of this Policy.)

- **Statutory Rape**: Sexual intercourse with a person who is under the legal age of consent (17 years in Illinois). (For incidents that occur outside of the U.S. (e.g., study abroad programs), Illinois law will apply in determining a violation of this Policy.)
3. **Sexual Exploitation**: Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another individual(s) for his/her own advantage or personal benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses in this Policy. Examples of sexual exploitation include, but are not limited to:
- prostituting another person;
  - non-consensual video or audio-taping of sexual activity;
  - going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
  - engaging in voyeurism;
  - knowingly transmitting an STD or HIV to another;
  - threatening to send, or the act of sending nude or incriminating photos to others regardless of whether they were originally obtained with consent.

### C. Interpersonal Violence

The following offenses are considered interpersonal violence and are prohibited by the University. Complaints regarding the following will be handled pursuant to the Procedures set forth in this Policy.

1. **Domestic Violence**: Domestic violence includes felony or misdemeanor crimes of violence by a current or former spouse or intimate partner of the victim, by a person who is cohabitating with or has cohabited with the victim, by a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction, by a person with whom the victim shares a child in common; or by anyone else against an adult or youth victim who is protected under the domestic or family violence law of the jurisdiction.
2. **Dating Violence**: Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It includes but is not limited to sexual abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence, above.
3. **Stalking**: Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. For the purposes of this definition:
  - a. **"Course of conduct"** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;

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

Examples of stalking behavior include following a person, conducting surveillance of the person, appearing at the person’s home, work or school, making unwanted phone calls, sending unwanted emails or text messages, leaving objects for the person, vandalizing the person’s property, or injuring a pet.

#### D. Additional Definitions

1. **Consent:** As noted above, all non-consensual sexual conduct is absolutely prohibited by the University. When determining whether there has been effective consent, the following guidelines will apply:

- Consent is informed, freely and actively given agreement to sexual activity and requires clear communication between all persons involved in a sexual encounter. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
- Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable.
- Consent cannot be conferred from silence, lack of verbal or physical resistance, or submission resulting from the use or threat of force.
- Consent cannot be inferred from a person’s manner of dress.
- Consent to one form of sexual activity does not constitute consent to other forms of sexual activity.
- Previous relationships or consent to past sexual activity does not constitute consent to future sexual acts.
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior includes, but is not limited to:
  - Repeated or continued pressure by the sexual aggressor in an effort to engage in sexual contact with the individual.
  - Making repeated threats of harm if the individual does not want to participate in sexual contact.
  - Making the individual feel as if sexual contact is owed to the sexual aggressor.
  - Using manipulative comments to try to pressure the individual to engage in sexual contact.
  - Providing the individual with alcohol and/or drugs in an effort to decrease their inhibitions and decision-making capacity.
- Consent can be withdrawn at any time.
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:

- The individual is incapacitated due to drug or alcohol consumption, either voluntarily or involuntarily;
- The individual is unconscious, asleep, or otherwise unaware that sexual activity is occurring;
- The individual is under age (17 years in Illinois); or
- The individual has a mental disability that impairs his or her ability to provide consent.

A person who is incapacitated due to the taking of a so-called “date-rape” drug cannot consent to sexual activity. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this Policy. More information on these drugs can be found at <http://www.911rape.org/>. If lack of consent is alleged by the reporting party, intoxication on the part of the responding party is not a valid defense. Rather, the standard measure is whether a reasonable person should have known that consent had not been or could not be given.

2. ***Incapacitation***: Incapacitation is a state where one cannot make a rational, reasonable decision to engage in sexual activity because they lack the ability to understand the fact, nature, or extent of the act (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction), and/or is physically helpless. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason.
  - Where alcohol or other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual’s: decision-making capacity, awareness of consequences and ability to make informed judgments, or capacity to appreciate the nature of the act. Whether a responding party reasonably should have known that a complainant was incapacitated will be evaluated using an objective reasonable person standard. The question is whether the responding party knew, or a sober, reasonable person in the position of the responding party, knew or should have known, that the complainant was incapacitated.
  - An individual may experience a blackout state in which they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication or impairment.
  - It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual’s intoxication, it is safest to forgo or cease any sexual contact or activity.

**Again, being intoxicated or impaired by drugs or alcohol is never a justifiable defense for sexual misconduct and does not excuse one from the responsibility to obtain consent.**

## **V. Prohibition against Retaliation and Intimidation**

Retaliation is strictly prohibited by the University as well as by Title IX and the Illinois Preventing Sexual Violence in Higher Education Act. No individual who, in good faith, makes a complaint alleging a violation of this Policy, reports or discloses an alleged violation of this Policy, is accused of a violation of this policy or participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Retaliation is any action taken against an individual that (i) adversely affects the individual's opportunity to benefit from the University's programs or activities; and (ii) is motivated in whole or in part by the individual's filing a complaint, reporting or disclosing an alleged violation of this Policy, responding to a complaint, or otherwise participating in the grievance process. In addition, any act of intimidation designed to prevent an individual from reporting a violation of this Policy or otherwise participating in the investigation or resolution process is prohibited. Individuals who engage in acts of retaliation or intimidation, as defined in this Policy, are subject to disciplinary action that may include, but is not limited to, the sanctions listed in the Investigation and Resolution Procedures section of this Policy, up to and including exclusion, expulsion, or dismissal from the University, and termination of employment, including revocation of tenure.

## **VI. Institutional Crime Reporting**

*The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (the "Clery Act") requires institutions of higher education to compile and publish statistics on certain criminal offenses including sexual assault (i.e., non-consensual sexual intercourse), domestic and dating violence and stalking that occur on or adjacent to school properties. Although the University strongly encourages everyone to report any crime that occurs on or around campus, the Clery Act requires certain crimes reported to a Campus Security Authority (CSA) be included in those annual statistics. Specifically, the Clery Act defines a Campus Security Authority as:

- A campus police or security department;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department . . . such as an individual who is responsible for monitoring entrance into institutional property;
- 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; or
- 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.

All crimes reported and documented under the Clery Act will be recorded in an anonymous manner that neither identifies the specifics of the crime or the identity of the complainant. The University is also obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when the warning could potentially compromise law enforcement efforts or identify the victim/survivor). A reporting party under this Policy will never be identified in a timely warning.

## **VII. Mandatory Reporting of Child Abuse, Child Sexual Abuse and Child Neglect**

All University employees<sup>1</sup> are mandated reporters under the Illinois Abused and Neglected Children’s Reporting Act. Mandated reporters are required to immediately report to the Illinois Department of Children and Family Services (DCFS) suspected child abuse and/or neglect when they have “reasonable cause to believe” that a child known to them in their professional or official capacity may be an abused or neglected child. This is done by calling the DCFS Hotline at 1-800-252-2873 or 1-800-25ABUSE.

- A “child” means any person under the age of 18 years, unless legally emancipated.
- “Abused child” means a child whose parent or immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child or a paramour of the child's parent:
  - Inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
  - Creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
  - Commits or allows to be committed any sex offense against such child;
  - Commits or allows to be committed an act or acts of torture upon such child;
  - Inflicts excessive corporal punishment;
  - Commits or allows to be committed the offense of female genital mutilation;
  - Causes to be sold, transferred, distributed or given to such child under 18 years of age, a controlled substance, except for controlled substances that are prescribed and dispensed to such child in a manner that substantially complies with the prescription; or
  - Commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor or trafficking in persons.

There is *no* option for confidentiality in the case of suspected child abuse, child sexual abuse and/or child neglect. In other words, all mandated reporters with reasonable cause to believe that a child known to them in their professional capacities may be abused, sexually abused or neglected are required to contact DCFS. Mandated reporters must also notify the Title IX Coordinator that a DCFS report has been made.

## **REPORTING OPTIONS AND AVAILABLE RESOURCES**

There are various reporting options and resources available to the University community for individuals who wish to make a complaint or report of an alleged or suspected violation of this Policy. The University encourages those who have experienced sexual discrimination or misconduct to talk to one or more of the individuals or agencies identified below.

### **I. Confidential Advisors**

Individuals wishing to obtain confidential assistance without making a report to the University may do so by speaking with a confidential advisor. Aurora University has entered into an agreement with Mutual Ground to provide confidential advisor services to Aurora University students seeking to make a

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<sup>1</sup> University volunteers having regular contact with minors are also Mandated Reporters.

confidential report or otherwise access confidential assistance. Representatives of Mutual Ground are trained and available to discuss incidents of sexual misconduct or interpersonal violence in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these trained confidential advisors **will not** trigger the University's investigation into an incident. In addition to providing confidential counseling, confidential advisors also provide emergency and ongoing support to individuals who have experienced sexual misconduct or interpersonal violence, including:

- The provision of information regarding the individual's reporting options and possible outcomes, including without limitation, reporting to the University pursuant to this Policy and notifying local law enforcement;
- The provision of resources and services, including, but not limited to, services available on campus and through community-based resources, such as, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- The provision of information regarding orders of protection, no contact orders or similar lawful orders issued by the University or a criminal or civil court;
- An explanation of the individual's right to have privileged, confidential communications with the confidential advisor consistent with state and federal law;
- Assistance in contacting campus officials, community-based sexual assault crisis centers and/or local law enforcement upon requested; and/or
- Assistance with securing interim protective measures and accommodations upon request.

Contact information for confidential advisors is as follows:

Mutual Ground  
418 Oak Avenue  
Aurora, IL 60506  
[mutualground.org](http://mutualground.org)

Sexual Assault 24-Hour Hotline: [630-897-8383](tel:630-897-8383)

## II. On-Campus Confidential Resource Contact Information

In addition to these confidential advisors, the University makes available to students the following on campus confidential resources:

### **Aurora Campus**

- Aurora University Counseling Center (630-844-5416, 1400 Southlawn Place)
- University Chaplain (630-844-6866, 430 South Evanslawn Avenue)
- Wellness Center (630-844-5434, 1400 Southlawn Place)

### **George Williams Campus**

- Counseling Services (262-24-8597, 350 Constance Blvd.)

These resources are available whether or not a reporting party chooses to make an official report or participate in the University's Investigation and Resolution Procedures or in the criminal process, and can assist parties with obtaining needed resources, explain reporting options, navigating the reporting process, and providing ongoing support as needed.

### III. Off-Campus Confidential Resources

In addition to the confidential advisors and on-campus confidential resources noted above, the following off-campus agencies also employ individuals available to discuss incidents of misconduct in confidence. Disclosures to these entities **will not** trigger the University's investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.

- **National Sexual Assault Telephone Hotline:** 800-656-HOPE (4673)
- **State of Illinois Domestic Violence Hotline:** 877-863-6338
- **Association for the Prevention of Family Violence in Wisconsin:** 262-723-4653
- **Local 24-hour Crisis Intervention Services (Counseling/Advocacy)**

#### Aurora Campus

Mutual Ground

418 Oak Ave

Aurora, IL 60506

Sexual Assault Hotline (24/7): 630-897-8383

General phone number: 630-897-0080

#### George Williams Campus

Association for the Prevention of Family Violence

735 N. Wisconsin St. Suite 101

Elkhorn, WI 53121

Crisis Hotline: 262-723-4653

Walworth County Dept. of Health & Human Services

W4051 County Road NN

Elkhorn, WI 53121

Crisis Hotline (24/7): 800-365-1587

General phone number: 262-741-3200

#### Woodstock Campus

McHenry County Crisis Program

PO Box 1990

Woodstock, IL 60098

Crisis Hotline (24/7): 800-892-8900

### IV. Reporting to the University

The University strongly encourages individuals, including third party bystanders, to report incidents of sex discrimination, sexual misconduct, and interpersonal violence prohibited under this Policy to the Title IX Coordinator, an Assistant Title IX Coordinator or other University employee. With the exception of the Confidential Advisors and the other confidential resources identified directly above, all other University employees, as well as students working as Peer Advisors, Resident Assistants, Graduate Assistants, and Campus Safety personnel, who receive a report of sex discrimination, sexual misconduct, or interpersonal violence in the context of their employment are required to report all the details of the incident (including the identities of both the complainant and alleged responding party) to the Title IX Coordinator.

The University will promptly and equitably investigate all suspected or alleged violations of this Policy. Although there is no specific time limit for reporting a suspected violation of this Policy, an individual who believes that he or she has been subjected to conduct that violates this Policy is encouraged to contact the appropriate official as soon as possible after the alleged or suspected violation to discuss the available options for proceeding. Prompt reporting is strongly encouraged as it becomes more difficult to compile information relating to a grievance as the time increases between the alleged or suspected incident(s) and the report of the incident(s).

#### **A. How to Make a Report**

In addition to notifying a non-confidential University employee, incidents of sex discrimination, sexual misconduct, and interpersonal violence may be reported to:

- **Title IX Coordinator**, Shaun Neitzel, 105C Eckhart Hall, Phone: 630-844-6515, [sneitzel@aurora.edu](mailto:sneitzel@aurora.edu)

- **Assistant Title IX Coordinators**

Ann Almasi-Bush, Assistant Dean of Student Life and Assistant Title IX Coordinator  
Office location: 105A Eckhart Hall  
Phone: 630-844-4578  
Email: [aalmasi@aurora.edu](mailto:aalmasi@aurora.edu)

Dr. Amy Gray, Vice President for Student Student Success and Assistant Title IX Coordinator  
Office location: 310C Eckhart Hall  
Phone: 630-844-5467  
Email: [agray@aurora.edu](mailto:agray@aurora.edu)

Dr. Kate Herrick, Vice President for Academic and Student Life GWC and Assistant Title IX Coordinator  
Office location: Meyer Hall  
Phone: 262-245-8581  
Email: [kherrick@gwc.aurora.edu](mailto:kherrick@gwc.aurora.edu)

Nicole Pieart, Associate Athletic Director/Student Well-being and Assistant Title IX Coordinator  
Office location: 245 Alumni Hall  
Phone: 630-844-6174  
Email: [npieart@aurora.edu](mailto:npieart@aurora.edu)

Mary Weis, Vice President for Human Resources and Assistant Title IX Coordinator  
Office location: 104 Eckhart Hall  
Phone: 630-844-3866  
Email: [mweis@aurora.edu](mailto:mweis@aurora.edu)

- **Aurora University Department of Campus Public Safety**

1408 Southlawn Place, Aurora, IL 60506  
630-844-5450 (emergency)  
630-844-6140 (non-emergency)

cpsafety@aurora.edu

- **For Employees:** The Employee Assistance Program (800-272-7255)

**Reports may be submitted in person, in writing, electronically, or anonymously, and may be submitted by complainants, third parties, or bystanders.**

Electronic reports can be submitted via the University Sexual Misconduct webpage at <http://www.aurora.edu/about/reports-policies/sexual-misconduct>. The report can be submitted anonymously. Upon filing an electronic report, the electronic reporter (if not anonymous) will receive an electronic response within 12 hours.

If you are in immediate danger, **call 911 for the Aurora Police Department. The non-emergency number for the Aurora Police Department is 630-256-5000.** The Aurora University Campus Public Safety Department can also connect you to the Aurora Police Department. See Section VII below for more information on reporting to law enforcement.

## **B. Privacy of Reports**

The privacy of all parties involved in complaints or reports of sexual misconduct or interpersonal violence prohibited by this Policy will be respected to the extent permitted under relevant law. Information related to a complaint or report of a violation of this Policy will be shared only with those University employees who need to know to assist in the investigation and/or resolution of the matter pursuant to the University's Investigation and Resolution Procedures. All University employees who are involved in the review, investigation or resolution of sex discrimination, sexual misconduct and interpersonal violence complaints will receive specific training regarding the safeguarding of private information.

## **V. Information Regarding the Rights of Reporting Parties**

Upon receiving a report of an incident of sexual misconduct or interpersonal violence prohibited under this Policy, the University is obligated to provide the reporting party with a written document (separate from this Policy) listing, in plain, concise language, the reporting party's available rights, options and resources, as well as a description of the University's Sex Discrimination, Sexual Misconduct and Interpersonal Violence Investigation and Resolution Procedures.

## **VI. Requests for Confidentiality**

In some cases, an individual may disclose an incident of sexual misconduct or interpersonal violence to a non-confidential source but wish to maintain confidentiality or request that no investigation into a particular incident be pursued or no disciplinary action be taken. The determination of whether a request for confidentiality can be honored is made by the Title IX Coordinator or designee. All Responsible Employees *must* report alleged or suspected violations of this Policy to the Title IX Coordinator or designee and should inform any reporting party requesting confidentiality of their obligation to do so. The Title IX Coordinator or designee will *must* balance such requests for confidentiality along with the obligation to provide a safe and nondiscriminatory environment for all members of the campus community, including the individual who has experienced the alleged misconduct. When weighing an individual's request for confidentiality or that no investigation or

discipline be pursued, the Title IX Coordinator or designee will consider the seriousness of the alleged conduct and the risk to the community's safety; the reporting party's age; whether there have been other harassment grievances against the same individual; whether the alleged incident is isolated or part of a pattern of conduct; and the reporting party's rights for notification under federal and state law. The Title IX Coordinator or designee will also consider whether the University has other means to obtain the relevant information, as well as whether:

- The accused individual has records from a prior educational institution or elsewhere indicating a history of sexual misconduct or interpersonal violence;
- The accused individual threatened further sexual misconduct or other violence against the complainant or others;
- The alleged sexual misconduct or interpersonal violence was committed by multiple accused individuals;
- The alleged sexual misconduct or interpersonal violence was perpetrated with a weapon;
- The alleged sexual misconduct or interpersonal violence was committed against a minor; and/or
- The complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Although rare, there are times when the University may not be able to honor an individual's request for confidentiality in order to provide a safe, non-discriminatory environment. If the Title IX Coordinator determines that it cannot honor the request for confidentiality, or the University cannot abide by the reporting party's requests, it will inform that party prior to initiating any investigation and will, to the extent possible, only share information with those responsible for handling the University's response. Further, the University will not disclose the identity of either party except as necessary to resolve the complaint or to implement interim protective measures and accommodations or when provided by State or federal law.

If a reporting party's request for confidentiality limits the University's ability to investigate a matter, the University will still take any steps it deems necessary to limit the effects of the alleged or suspected sexual misconduct and prevent its recurrence. For example, the University might provide training and education, adjust policies, conduct climate surveys, or provide increased security at a given location.

Complainants also have the option to, or not to, notify and seek assistance from law enforcement authorities. Complainants are also free to explore whether they might be able to obtain a judicial no-contact order, restraining order, or protective order, or similar lawful order issued by a criminal, civil or tribal court or by the University. The Title IX Coordinator is available to assist individuals who have further questions about these issues.

## **VII. Reporting to Law Enforcement**

In addition to contacting the Title IX Coordinator, an Assistant Coordinator, or other responsible employee, a reporting party has the option to contact the appropriate law enforcement authorities regarding the possibility of filing a criminal complaint. The Title IX Coordinator and other University personnel, confidential resources, and off-campus confidential advisors are available to assist students and others in making contact with appropriate law enforcement authorities upon request. All Reporting Parties have the option to pursue a criminal complaint with an appropriate law enforcement agency, to

pursue a harassment complaint under the University's Investigation and Resolution Procedures, or to pursue both processes simultaneously.

The University will investigate and resolve alleged or suspected violations of this Policy where appropriate even if a criminal complaint is not pursued by the reporting party. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the University's investigation, but the University will commence its own investigation as soon as is practicable under the circumstances. The University reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding. Because the standards for finding a violation of criminal law are different from the standards in this Policy, criminal investigations or reports are not indicative of whether or not a violation of this Policy has occurred. The University will cooperate with law enforcement agencies to the extent permitted by law if a reporting party decides to pursue the criminal process.

The University may, in some circumstances, be required by law enforcement to defer the fact-finding portion of its investigation for a limited time while law enforcement gathers evidence. In such cases, the Title IX Coordinator shall inform the parties of the need to defer the University's fact-finding, provide regular updates on the status of the investigation and notify the parties when the University's fact-finding resumes. During this time period, the University will take any additional measures necessary to protect the reporting party and the University community.

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are not determinative of whether sexual misconduct or interpersonal violence, for purposes of this Policy, has occurred. In other words, conduct may constitute sexual misconduct or interpersonal violence under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to investigate or prosecute.

**For more information regarding the option to pursue a criminal complaint, contact:**

- The City of Aurora Police Department, 1200 East Indian Trail; Aurora, IL, 60505, 911 (emergency); 630-256-5000 (non-emergency)
- City of Williams Bay Police Department, 250 Williams St., P.O. Box 580, Williams Bay, WI 53191; 911 (emergency); 262-245-2710 (non-emergency)
- City of Woodstock Police Department, 656 Lake Ave., Woodstock, IL 60098; 911 (emergency), 815-338-2131 (non-emergency)
- Kane County State's Attorney Office, 37w777 IL Route 38, Suite 300, St. Charles, IL 60175, 630-232-3500

In addition to having the option of pursuing a criminal complaint, individuals also have the right to request that law enforcement issue emergency protective restraining orders or to pursue such orders through the court process. The University can assist parties who wish to do so. Complainants who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the Title IX Coordinator so that the University can work with the individual and the subject of the restraining order to manage compliance with the order on campus.

**For more information about protective or restraining orders, see/contact:**

- The City of Aurora Police Department, 1200 East Indian Trail; Aurora, IL, 60505, 911 (emergency); 630-256-5000 (non-emergency)
- Kane County State’s Attorney Office, 37w777 IL Route 38, Suite 300, St. Charles, IL 60175, 630-232-3500

**VIII. Medical Assistance**

The University also strongly encourages all individuals who feel they have been victims of sexual misconduct or interpersonal violence to seek immediate assistance, preferably within the first 12 hours post assault, from a medical provider for emergency services, including treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services. Medical treatment can also be crucial to preserving evidence in the event of a criminal investigation. Seeking medical attention helps preserve the full range of options, including the options of working through the University’s Investigation and Resolution Procedures and/or filing criminal complaints. Medical personnel may be covered by federal and/or state privacy laws, such as the Health Insurance Portability and Accountability Act (“HIPAA”). Under Illinois law, medical personnel are required to alert police when it reasonably appears that the individual requesting the treatment has received an injury sustained as a victim of a criminal offense, including sexual violence. However, it is the individual’s choice whether he or she wants to speak to the police.

Our local emergency rooms have trained health care professionals on staff, including Sexual Assault Nurse Examiners, experienced in assessment, evidence collection and treatment of victims of sexual assault. While victims will be referred to our local emergency rooms for medical attention, our Wellness Center on the Aurora campus can provide additional information and support to victims on how to seek further medical attention and what to expect at the visit.

**Medical Services may be obtained at:**

Presence Mercy Medical Center (24/7, ER assistance)  
 1325 N. Highland Ave.  
 Aurora, IL 60506  
 Phone: 630-859-2222

Centegra Hospital  
 1 Doty Rd.  
 Woodstock, IL 60098  
 Phone: 815-338-2500

Rush-Copley Medical Center (24/7, ER assistance)  
 2000 Ogden Ave.  
 Aurora, IL 60504  
 Phone: 630-978-6200

Mercy Walworth Hospital  
 N2950 State Road 67  
 Lake Geneva, WI 53147  
 Phone: 262-245-053

For further support and advocacy, individuals may contact Mutual Ground (630-897-8383), the local sexual assault/domestic violence crisis center in Aurora. Professionals from Mutual Ground provide free, 24-hour crisis intervention which includes support for victims at the hospital emergency room, information about medical exams and evidence collection, as well as individual counseling and support groups.

**IX. Preserving Evidence**

Even if an individual has not been physically hurt, a timely medical examination is recommended so that forensic evidence can be collected and preserved. An individual may choose to allow the collection of evidence by medical personnel even if he or she chooses not to make a report to the police. In order to

best preserve forensic evidence, it is suggested that an individual not shower, bathe, douche, smoke, or change clothes or bedding before seeking medical attention, and that medical attention be sought as soon as possible. If the individual decides to change clothes, he she can bring them unwashed to the hospital or medical facility in a paper bag.

Under Illinois law, emergency medical or forensic examinations (i.e., evidence collection) for sexual assault survivors are provided free of charge to the patient. **Individuals can obtain a free emergency medical or forensic examination at:**

Presence Mercy Medical Center (24/7, ER assistance) 1325 N. Highland Ave. Aurora, IL 60506  
Phone: 630-859-2222

Individuals who have experienced sexual misconduct or interpersonal violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents.

#### **X. Amnesty/Good Samaritan Policy**

Amnesty: The welfare of students and employees in our community is of paramount importance. Pursuant to State law, the University is obligated to include an amnesty provision in this Policy that provides immunity to any student who reports, in good faith, an alleged violation of the University's Policy involving sexual misconduct or interpersonal violence to a responsible employee. Accordingly, to encourage good faith reports of violations of this Policy, the University will not discipline a student who makes a good faith report of sex discrimination, sexual misconduct, or interpersonal violence for any violation of Aurora University's Code of Conduct, such as underage drinking, that is revealed in the course of such a report, unless the institution determines that the violation was egregious, including without limitation an action that places the health or safety of any other person at risk. The University may, however, pursue educational remedies regarding alcohol or other drugs.

Good Samaritan: At times, students and employees may need assistance. The University encourages students and employees to offer help and assistance to others in need. Sometimes, students and employees are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to make a report or to help take a victim of sexual misconduct to the Office of Campus Public Safety). The University pursues a policy of limited immunity for students or employees who offer help to others in need. While policy violations may not be overlooked, the University will provide educational options, rather than disciplinary sanctions, to those who offer their assistance to others in need.

#### **INVESTIGATION AND RESOLUTION PROCEDURES**

Aurora University is committed to the prompt and equitable resolution of all alleged or suspected violations of this Policy about which the University knows or reasonably should know, regardless of whether a report alleging a violation of this Policy has been filed and regardless of where the conduct at issue occurred. While under Illinois law reporting parties have the right to request a prompt procedure, the University is committed to providing a prompt resolution in all matters.

In resolving a particular matter, the University may use some or all of the following processes: Initial Assessment and Interim Measures, Informal Resolution, Formal Resolution (a formal investigatory

process leading to a finding), Sanctioning, and Appeal. Regardless of the specific processes employed, the University will complete its Investigation and Resolution Procedures (excluding any appeals) within 60 calendar days unless the University determines in its discretion that more time is required, in which case the parties will be notified and provided with an explanation of the reason for the extension of the 60-day period. The University will provide periodic updates as it deems appropriate.

The University's ability to investigate a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the report is anonymous, the reporting party is willing to file a report or consent to an investigation, the reporting party's request for confidentiality, the location where the alleged or suspected conduct occurred, and the University's access to information relevant to the alleged or suspected violation of this Policy. The University is nonetheless committed to addressing all alleged and suspected violations of this Policy to the fullest extent possible under the circumstances. In instances where the reporting party is unwilling or unable to file a report and participate in an investigation and resolution process, the University may elect to proceed and to seek resolution of the matter in accordance with the Procedures described below or other process that resolves the complaint in a manner consistent with applicable law and relevant Office for Civil Rights (OCR) or other relevant government guidance. Similarly, the University may also proceed to seek resolution of the alleged or suspected Policy violation in cases in which the reporting party does not wish to participate in the Investigation and Resolution process. In these cases, the University will serve as the reporting party in the procedures described below.

The Title IX Coordinator will review the available options with both the reporting party and the responding party. These include the opportunity to request interim measures as well as the opportunity to request that the grievance be resolved through either the Informal Resolution process or the Formal Resolution process. The reporting party and the responding party will receive periodic updates regarding the status of the resolution.

#### **I. Initial Assessment and Interim Measures**

Whatever the source, the University will make every effort to bring reports as quickly as possible to the Title IX Coordinator for preliminary assessment. The primary goal of the University's response at this stage is to assist and support the reporting party, regardless of whether the reporting party chooses to report the incident to law enforcement. The Initial Assessment will also determine whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted.

Upon receipt of a report, the Title IX Coordinator and/or his or her designee will implement any appropriate Interim Measures and Remedies to protect the safety of the parties and the campus community and will seek to provide Interim Measures and Remedies for the parties that address their safety and well-being. Such measures and remedies may be requested by or provided to either party and may include, but are not limited to, counseling services, changes to academic, living, dining, transportation, and campus work situations; academic assistance, accommodations or adjustments; obtaining and enforcing campus orders of "no contact," honoring an order of protection or a no contact order entered by a State civil or criminal court; and/or the provision of escorts. Any such interim measures will be taken in a manner that minimizes the burden on the reporting party to the extent possible. Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide the interim measures.

The University will provide Reporting Parties with information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims by the University and in the community. The University will also provide Reporting Parties with information about their options for, and available assistance in, changing academic, living, transportation, and working situations if requested and reasonably available, regardless of whether the reporting party chooses to report the crime to campus security or to local law enforcement. The University will facilitate such changes if the reporting party requests them and if they are reasonably available, regardless of whether the reporting party chooses to report the crime to campus security or local law enforcement.

An employee's or student's failure to comply with the terms of interim measure directives is a separate and serious violation of the University Codes of Conduct.

#### **A. Initial Assessment**

The first step of the Initial Assessment will typically be a meeting between the reporting party and the Title IX Coordinator and/or designee. At this time, a written complaint or statement may be submitted by the reporting party, but a written complaint or statement is not necessary; information provided by the reporting party in any form will be considered in resolving allegations reported to the University. This meeting will allow the Title IX Coordinator and/or designee to:

- Assess the nature and circumstances of the allegation.
- Discuss the types of conduct prohibited by the Policy and review the reporting party's complaint as it pertains to the prohibited conduct.
- Address any immediate concerns about the physical safety and emotional well-being of the parties.
- Notify the reporting party of the option to notify law enforcement and be assisted in doing so, as well as the option not to notify law enforcement.
- Provide the reporting party with information about the range of available on and off campus resources and services, including confidential resources and services, and assist them in accessing these resources.
- Describe the range of Interim Measures and Remedies for security and support, including orders of no contact, changes in academic, living, dining, transportation, and working situations, course adjustments and other forms of academic support. In addition, the University may, at its discretion, impose an interim suspension or leave of absence on the responding party in cases where the University believes there is risk of harm to others. Any Interim Measures or Remedies will be taken in a manner that minimizes the burden on the reporting party to the extent possible.
- Discuss fully the options afforded to the reporting party, the rights and responsibilities of both parties (including the right to be accompanied during any meeting related to the matter by an advisor of their choice whose participation will be limited to consulting privately with the party they accompany), the Informal Resolution process, the Formal Resolution process, and the need to preserve any relevant evidence or documentation in the case. All parties will be informed that the University prohibits any retaliation against parties who have filed a report, assisted, or participated in any manner in an investigation or proceeding under this Policy.
- Assess whether there is a need for a timely warning or emergency notification under federal law.

If the reporting party at any time requests that their identity remain confidential or that no formal action be taken, the University will balance this request along with its responsibility to take steps to

foster an educational environment that is free of discrimination and harassment for all members of the campus community, as described above.

As soon as practicable after the initial meeting with the reporting party, the responding party will also be notified that a report or complaint alleging a violation of the University Policy has been made unless the University determines that notifying the responding party is not necessary or appropriate under the circumstances. When notified of the report or complaint, the responding party will also receive parallel discussion of the options afforded to them, the rights and responsibilities of both parties (including the right to be accompanied during any meeting related to the matter by an advisor of their choice whose participation will be limited to consulting privately with the party accompanied by the advisor), the Informal Resolution process, the Formal Resolution process, the prohibition against retaliation, the need to preserve any relevant evidence or documentation in the case, and the availability of interim measures and remedies. The responding party will also be provided with a written explanation of these rights.

**The responding party may elect to accept responsibility for all or part of the conduct alleged by the reporting party at this stage or at any later stage throughout the process.** In that case, the Title IX Coordinator and/or their designee may initiate an Investigation for the purposes of providing additional information that may be relevant to the University official charged with determining appropriate sanctions. If the responding party does not accept responsibility, the investigation will proceed as described below. In addition, if the responding party withdraws a prior acceptance of responsibility, the process will continue as described below.

## **B. Interim Measures**

Throughout the Investigation and Resolution process, the Title IX Coordinator will monitor the effectiveness of the interim measures or remedies described above and coordinate with the both parties on the provision and implementation of these measures.

## **II. Informal Resolution Process**

Where appropriate, the Informal Resolution process can be used to resolve allegations of sexual misconduct or interpersonal violence by taking immediate and corrective action to stop the conduct, address its effects, and prevent recurrence without implementing a Formal Resolution process and its subsequent determination of a University Policy violation. The Informal Resolution process may include the range of interim measures described above, as well as targeted and/or broad-based training and educational programming for relevant individuals and groups and/or any other remedy that will achieve the goals of the University Policy. An Informal Resolution process may also include a remedies-based process [mediation], which allows both parties to come to a mutual agreement regarding the resolution of the grievance. This process is facilitated by the Title IX Coordinator or his/her designee. For example, both parties may agree that the permanent application of interim measures (e.g. no contact agreement) may be sufficient to resolve the grievance. This option is available if (i) the University determines, in its discretion, that such a process would be appropriate; and (ii) all parties agree to participate. The Informal Resolution process will never be used to resolve allegations of sexual violence.

The parties to any Informal Resolution process will not be required to deal directly with one another without the University's involvement. Instead, the Title IX Coordinator or his or her designee may arrange for or facilitate a remedies-based process or other form of mediation between the involved parties and coordinate other remedies-based measures. Once an Informal Resolution process is

complete, both parties will be notified simultaneously/contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a finding; responding parties are not charged with a policy violation and are not found to be “responsible” or “not responsible” of a policy violation.

Any party may request that the informal resolution process be terminated at any time, in which case the Formal Resolution process (described below) would commence. The University may, at its discretion, also commence the Formal Resolution process at any time. In addition, while the results of the Informal Resolution process cannot be appealed, any party can pursue Formal Resolution if he or she is dissatisfied with a proposed Informal Resolution.

### **III. Formal Resolution**

A report of sexual misconduct or interpersonal violence can also be resolved through a Formal Resolution process. The Formal Resolution process will be used in instances in which the Informal Resolution was not successful; the option to pursue resolution via an Informal Resolution was declined by either party; or at the discretion of the University. The formal resolution process involves the following steps:

#### **A. Investigation**

The Formal Resolution process includes a prompt, thorough, impartial and fair investigation into the allegations of sex discrimination, sexual misconduct or interpersonal violence. Throughout the investigation and process, reporting parties and responding parties will be treated fairly and equitably.

The Title IX Coordinator will assign an internal investigator who has been trained in the investigation of, and other issues related to sex discrimination, sexual misconduct, and interpersonal violence. It is common practice, but not required, for the assigned investigator to select another trained investigator to participate in the investigation process in a secondary role. The investigators shall not have a conflict of interest or bias for or against any parties involved in the potential policy violation. In addition, all investigators shall receive 8 to 10 hours of annual training regarding the investigation of, and other issues related to, sex discrimination, sexual misconduct and interpersonal violence. The investigator(s) will undertake an Investigation for the purposes of adjudicating whether the responding party is responsible for the alleged violation(s) of the Policy.

The Title IX Coordinator will inform the parties that a grievance has been filed and provide notification of the assigned University investigator(s). The Title IX Coordinator will notify the parties of any secondary investigator if and when that assignment is made. If either the party has any concerns about a potential conflict of interest on the part of the assigned University investigator or secondary investigator, the reporting party or responding party should notify the Title IX Coordinator in writing within three calendar days of receiving notice of the referral of the grievance to a disciplinary process.

Should the institution require more than sixty (60) days to complete the investigation and resolution process, both parties will be provided with written notice of the circumstances contributing to the need for additional time and the estimated completion date of the investigation and hearing process.

The nature and extent of the investigation will vary depending upon the circumstances. As part of the investigation, the investigator(s) will review any information gathered during the Initial Assessment and

will seek to interview the reporting party and the responding party. The University will also seek to identify and interview any potential witnesses and gather and review physical, documentary, and/or other relevant evidence. To help ensure a prompt and thorough investigation, the reporting party and responding party are expected to provide as much information as possible in connection with the investigation. Both parties will be updated periodically during the investigation about the progress of the investigation and anticipated time for resolution of the investigation. Additional information regarding the investigation is as follows:

- The University investigator(s) will conduct individual interviews with the reporting party, responding party and any potential witnesses in an effort to gain as much information as possible. Interviews may take place in person, by phone, or through electronic means.
- Timely notice will be provided to Reporting and Responding Parties of all interviews/meetings at which they may/must be present, and both parties will be provided with timely and equal access to information. For interviews, a minimum of 48 hour notice of the interview date, time and location will be provided to the interviewee.
- The investigator(s) will make every effort to be sensitive to the needs of the interviewee while remaining committed to gaining a thorough understanding of the incident and any precipitating events.
- The reporting party and responding party have the right to be accompanied to any interview or other meeting related to this process by the advisor/support person of their choice. The support person may attend but shall not participate in the hearing, interview or related meeting.
- All parties are allowed to suggest questions to be posed by the University investigator to other participating parties and respond to the other party, and to submit other evidence on their own behalf.
- The use of any recording devices (photo, video or audio) is prohibited.
- Questions about the reporting party's sexual history with anyone other than the responding party, or vice versa, are prohibited. Moreover, a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.
- Character witnesses will not be allowed.
- In addition to conducting interviews, the University investigator will seek to collect and review any relevant evidence pertaining to the grievance, such as text/email /voicemail messages, social media messages and postings, written communications, law enforcement records, hospital reports, and other relevant evidence.
- The University investigator will notify the reporting party and responding party of the date upon which no additional evidence will be accepted (i.e. close of evidence).

## **B. Review of Investigation Report**

Upon completion of the investigation, the investigator(s) will produce an Investigation Report that summarizes and analyzes the allegations, the relevant facts, and any supporting documentation. The Investigation Report will be provided to the Title IX Coordinator and shared with the parties (to the extent permitted by FERPA or other applicable law). Both parties will have an opportunity to review the Investigation Report and provide to the Title IX Coordinator their comments on the report identifying any factual inaccuracies or misunderstandings within 48 hours of review of the report. The investigator(s) will address any identified factual inaccuracies or misunderstandings as appropriate.

### C. Findings

Based all information gathered during the investigation, including the comments received from both parties after Review of Investigation Report with the Title IX Coordinator, the investigator(s) will make a finding as to whether the University's Policy has been violated (i.e. make a finding as to whether the responding party is Responsible or Not Responsible for any policy violation(s)).

Standard of Proof: The standard used to determine whether the Policy has been violated is the "preponderance of the evidence" standard. In other words, in order to find that the responding party is "Responsible" for a Policy violation in the matter, the investigator(s) must conclude that based on the information obtained during the investigation it is *more likely than not* that the responding party violated this Policy.

### D. Sanctioning and Corrective Actions

If the Formal Resolution process concludes with a finding based on a preponderance of the evidence that the responding party is responsible for a violation of the Policy, sanctions shall be determined and/or recommended as follows:

- When the **responding party is a student** who has been found responsible for a violation of University Policy, the sanctions shall be determined by the investigator(s).
- When the **responding party is a faculty member** who has been found responsible for a violation of University Policy, the investigator(s) shall make a recommendation of sanctions which shall be immediately reviewed by the Vice President for Academic Affairs. Disciplinary sanctions, up to and including dismissal, may be imposed consistent with the provisions of the Faculty Handbook then in effect. Where the matter being investigated involves an allegation of sexual harassment or sexual misconduct, the University may modify timelines and procedures set forth in the applicable Faculty Handbook in order to achieve a prompt and equitable resolution of the matter.
- When the **responding party is a staff member** who has been found responsible for a violation of University Policy the Vice President of Human Resources will determine the appropriate sanction and any other corrective actions, unless a different process is required under any applicable collective bargaining agreement.

Each person involved in the sanctioning process will receive 8-10 hours of annual training regarding issues related to sex discrimination, sexual misconduct and interpersonal violence, as well as sanctioning guidelines consistent with relevant federal and state law and regulations.

The University will take reasonable steps to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the reporting party (and others, if appropriate). The range of disciplinary sanctions that may be imposed along with other corrective actions for a finding of a Policy violation are as follows. One or more of the following sanctions may be imposed at the discretion of the assigned University investigator.

- Expulsion/Termination of Employment: Permanent separation from the University. Students who have been expelled or employees whose employment has been terminated may not be on campus without specific written permission of the Title IX Coordinator, Vice President for Human Resources or designee. If an expelled student or terminated employee is found on campus without permission

for any reason, the local area Police Department will be called and he/she will be charged with criminal trespass.

- Suspension: Separation of the student or employee from the University for a specified period of time. The student or employee will not participate in University-sponsored activities and may not be on campus without specific written permission of the Title IX Coordinator, Vice President for Human Resources or designee. If any suspended student or employee is found on campus for any reason without permission, the local area Police Department will be called and he/she will be charged with criminal trespass. Employment suspensions may be made without pay or benefits during the period of suspension.
- Loss of On-Campus Housing: The student is suspended from the residence halls, either on a temporary or permanent basis. Normally, a student who receives this sanction by the appropriate hearing body or disciplinary hearing officer is entitled to a reasonable time, not to exceed 48 hours, to vacate his/her University housing facility. If, however, there is reason to believe that the student poses a substantial threat to harm oneself or others, damage University property, or disrupt the stability and continuance of normal University operations and functions, the University reserves the right to accelerate this process.
- Loss of Extracurricular Privileges: The student may lose the privilege of participating in extracurricular activities and/or running for or holding office in any student group or organization as part of a disciplinary sanction. This includes, but is not limited to, participation in athletic, music, and dramatic events, programs, groups, and teams.
- Residence Hall Reassignment: The student will be involuntarily reassigned to another residence hall. Normally, a student who receives this sanction by the appropriate hearing body or disciplinary hearing officer is entitled to a reasonable time, not to exceed 48 hours, to relocate to the new room assignment. If, however, there is reason to believe that the student presence may disrupt the room, floor community or residence hall, this process can be accelerated.
- No Contact Agreement: The student or employee will be prohibited from initiating contact with another member of the University community. Contact includes direct interactions in person, through technology, or through a third-person. This may include limiting access to areas to avoid incidental contact. A No Contact Agreement may be imposed at a student's or employee's request without conduct proceedings if it does not involve any accommodation changes. A No Contact Agreement is not limited by location and would remain in place for the duration of enrollment or employment; it would only be considered terminated if all parties agree to have it terminated through the coordination of the Title IX Coordinator.
- University Referral: The student is assigned a mandatory referral to a campus resource, such as the Counseling Center, Wellness Center, and/or alcohol and drug education programs. The employee is assigned to a mandatory referral to a University resource, such as the university's Employee Assistance Program.
- Parental Notification: If the University determines that the student has committed a disciplinary violation relating to a forcible or non-forcible sex offense, the University may disclose the final results of the Investigation and Resolution process. The final results include the name of the student, the violation committed, and any sanction imposed by the institution against the student. Other information, including the name of any alleged or suspected victim who is a student, may not be disclosed without the prior written consent of the student victim. **(Refer to Policy Statement D at the close of this document for the Aurora University Parental Notification Policy.)**
- Restitution Fines: A student or organization is required to make payment to the University or to another specified person(s) or group(s) for damages incurred as a result of a violation of this Policy.

- Restitution Service: The student is required to perform service to assist in developing increased awareness of the impact of their decisions and raise awareness of more appropriate behavior(s).
- Educational Activity: The student will complete a research project, paper, community program, bulletin board, etc. The employee will participate in a University-identified training program.
- Restriction of Privileges or No-Trespass Directive: The student or employee is restricted from entering certain buildings, attending certain events or using specific programs due to their behavior. Residence hall students may have their visitation privileges restricted or revoked for a certain time period, or specific guests may not be allowed into a residence hall. Participation in University organizations or holding office in organizations or other privileges can also be included under this sanction as deemed appropriate by the investigator(s) based on the incident. Students or employees may also be barred from campus pursuant to a No-Trespass directive.
- Suspension of Group Recognition: Withdrawal of official recognition of a group for a stated period of time, which will include conditions for reinstatement of recognition.
- Revocation of Group Recognition: Permanent cancellation of the official University recognition and privileges of a group found in violation of University regulations.
- Registration Hold: A hold will be placed on a student's registration if the student fails to complete a sanction or withdraws prior to official resolution of an allegation. Holds are intended to be temporary until either the sanction or the conduct process is complete. A student who fails to complete a sanction or withdraws prior to resolution of an allegation does not remain in good disciplinary standing, is not entitled to readmission pending further proceedings, and also may be limited in his or her ability to access transcripts and other official documentation.
- Disciplinary Probation: A specified period of time during which the student is removed from good disciplinary standing. Any additional violations during the probationary period will result in more severe consequences, up to and including expulsion. Students on disciplinary probation are in jeopardy of losing the privilege of living in the residence halls for the following academic year.
- Disciplinary Admonition: A written warning to the student or employee that the cited behavior is not in accordance with the Aurora University Sexual Misconduct Policy. The student or employee is warned that further misconduct may result in more severe disciplinary action.

Additional corrective actions for the reporting party may include but are not limited to support services and accommodations such as escorts, counseling and medical services, academic or residential accommodations and support. Corrective actions and remedies at the level of the institution may include but are not limited to, providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate surveys and other mechanisms to identify and address patterns of violations.

In no event will the reporting party in matters involving an alleged violation of the Policy be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome. If the University is unable to take disciplinary or other corrective action in response to a violation of this Policy, the University will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

A responding party may also be subject to prosecution under relevant local and/or federal law. The reporting party may pursue criminal/civil action against the responding party regardless of the University's action.

## **E. Notification**

The finding(s) of responsibility or non-responsibility for any policy violation(s), the rationale for the finding(s), and any resulting sanctions or corrective actions will be determined by the investigator(s) and provided to the Title IX Coordinator within seven calendar days of the close of Review of Investigation Report, unless additional time is needed by the investigator(s). The Title IX Coordinator will subsequently notify both parties of the outcome simultaneously/contemporaneously to the greatest extent possible. Each party will be notified in writing of the finding(s), sanction(s) and any other corrective action(s), and information regarding appeal rights.

1. ***For allegations of sexual assault, dating/domestic violence and stalking:*** Written notification will be provided to the reporting party and the responding party of the finding(s) and applicable sanctions or corrective actions within seven calendar days, unless the University determines that additional time is required.
2. ***For all other allegations of sex discrimination, including harassment:*** Written notification will be provided to the reporting party of the findings and the responding party of the finding(s) within seven calendar days, unless the University determines that additional time is required. Consistent with the limitations upon disclosure set forth in FERPA, any applicable sanctions or corrective actions related to a finding of “responsible” for allegations in this category will be communicated only to the responding party.

#### **F. Appeals**

Once written notification of the resolution has been provided, either party has the right to submit an appeal of the finding and/or of the sanctions or corrective actions imposed.

1. ***Grounds for Appeal:*** Appeals of a finding or sanction may be submitted solely upon one or more of the following three grounds:
  - a. Allegations that the investigator(s) deviated from the investigation and resolution process outlined in the Policy in a way that substantially altered the outcome of the case;
  - b. Substantive new evidence or information that was not available or known to the appellant/party during the investigation process and that is sufficient to alter a decision;
  - c. The sanction is disproportionate to the violation.

Reporting parties shall have the same rights as responding parties with respect to appealing a finding and/or sanction or corrective action imposed under this Policy. Appeals must be submitted in writing to the Vice President for Student Life within five calendar days after the party pursuing the appeal receives notice of the outcome of the Investigation and Resolution procedure. Failure to appeal within the allotted time will render the original decision and any sanction final and conclusive.

2. ***Appeal Process:*** The appeal process has two steps. First, within seven calendar days of receiving an appeal of either finding or sanction, the appeals officer will determine whether the appeal satisfies the grounds for appeals and will notify the parties simultaneously (to the greatest extent possible) in writing of his or her decision regarding this issue. The appeals officer will be the Vice President for Student Life (VPSL)

or designee. If the VPSL determines that the grounds for appeal are not satisfied, he or she may deny the appeal without further consideration.

If the VPSL determines that the appeal request satisfies the grounds for appeal, he or she will give notice of the appeal to the other party. The party that did not initiate the appeal will then have three business days after receiving notice of the appeal to submit a written response (but any such response must be limited to the issues raised by the party making the appeal and cannot constitute a counter-appeal). If both parties have filed appeals, they shall both be permitted to file written responses to the other's appeal document within the same three business day period of time. Any such responses must be submitted to the VPSL.

Any such appeal(s) will then be reviewed by the VPSL. The VPSL will review the Investigation Report and may, in his or her discretion, interview the investigator(s) or any other person who participated in the investigation or sanctioning process. The VPSL will deliver his or her written decision to the parties within 45 days of receiving the appeal unless there are extenuating circumstances that require an extension. The VPSL may: (1) uphold the original decision, (2) remand the finding and/or sanction for further investigation or reconsideration, or (3) modify, augment, or eliminate the sanction. Within seven days of the VPSL's review and determination of the outcome of the appeal, the VPSL will notify the parties contemporaneously/simultaneously (to the greatest extent possible) in writing of the outcome of the appeal and the rationale for the decision. Appeal decisions by the VPSL are final.

If upon appeal a decision is remanded or an investigation is reopened, the results of the remanded investigation and determination are not appealable unless an additional appeal is permitted in the sole discretion of the VPSL.

*All sanctions will be in effect during any appeal.* A request may be made to the VPSL to delay implementation of a sanction until the appeal is decided, but parties should presume unless otherwise informed that any sanction(s) will go into effect immediately. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may be barred from participating in those activities during an appeal. In cases where the appeal results in reinstatement to the university or resumption of privileges, all reasonable attempts will be made to restore the student to his or her prior status.

#### **IV. Additional Policies and Procedures**

##### **A. Rights of Reporting and Responding Parties**

The parties shall be provided with the following in connection with the resolution of suspected or alleged violations of this Policy:

###### **1. Rights of Reporting Parties**

- Access to confidential on- and off-campus counseling and other support services, with the University's assistance upon request, including contact information for local rape

crisis centers and law enforcement as set forth in the University's Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy ("Policy").

- Access to or the ability to request information regarding reasonable accommodations to University academic, transportation, work, dining and/or living arrangements, no-contact orders, and other interim measures to enable you to continue to access your education.
- Information about the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, domestic violence, dating violence, or stalking.
- Opportunity to submit a written statement to the Title IX Coordinator when filing a report; however, a written statement is not necessary and information provided by the reporting party in any form will be considered in resolving allegations reported to the University.
- Notice of your right to choose whether to notify proper law enforcement authorities, including campus law enforcement and local police, and of your right to decline to notify such authorities.
- Notice of your right to file, separate from any University procedures, a criminal complaint or petition for an order of protection through local law enforcement and of your right to do so with (or without) assistance from the University.
- Freedom from retaliation.
- Amnesty from discipline for alcohol or drug use that occurs during incidents of reported sexual misconduct where the health and safety of third parties is not at risk.
- Notice of your right to choose whether to file an official complaint with the University.
- Access to information regarding how the campus will protect your privacy and confidentiality and the full range of options, including potential sanctions, available for the resolution of your complaint.
- A prompt, fair, impartial and thorough investigation and appropriate resolution of all credible complaints of sexual harassment, sexual violence, sexual exploitation, domestic violence, dating violence, and stalking made in good faith to the University conducted by University officials who receive annual training.
- Information regarding the opportunity to object (and the process for doing so) to a University official's participation in the Investigation and Resolution Procedures if that individual has a conflict of interest.
- Information and assistance needed to effectively participate in all proceedings regarding the complaint.
- The same opportunities as the responding party to participate in the Investigation and Resolution Procedures, including:
  - To be accompanied to any interview or other meeting related to this process by the advisor/support person of their choice. The support person may attend but shall not participate in the hearing, interview or related meeting.
  - To receive timely notice of all interviews/meetings at which they may/must be present, and both parties will be provided with timely and equal access to information. For interviews, a minimum of 48 hour notice of the interview date, time and location will be provided to the interviewee.
  - To speak on their own behalf, suggest questions to be posed by the University investigator to other participating parties and respond to the other party, and to submit other evidence on their own behalf.

- To identify and/or present statements from fact witnesses or submit any other evidence that the investigator deems relevant.
- To receive periodic status updates and to be informed about the outcome of the investigation and resolution process (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act (FERPA) or other applicable law).
- To appeal the outcome, including any resulting finding(s), sanction(s) or corrective action(s).

## **2. Rights of Responding Parties**

- Access to confidential on- and off-campus counseling and other support services.
- Notification of the allegations within the complaint, including the nature of the alleged violation.
- An explanation of the University investigation and resolution process for allegations of sex discrimination, sexual misconduct, and interpersonal violence.
- Information regarding the University's process for determining a finding of responsibility and the range of sanctions that may be imposed upon a finding of responsibility.
- A prompt, fair, impartial and thorough investigation and appropriate resolution of all credible complaints of sexual harassment, sexual violence, sexual exploitation, domestic violence, dating violence, and stalking made in good faith to the University conducted by University officials who receive annual training.
- A process in which you are considered "not responsible" for an alleged Policy violation until proven responsible by a preponderance of the evidence.
- Freedom from retaliation.
- Access to information regarding how the campus will protect privacy and confidentiality throughout resolution of the complaint.
- Information regarding the opportunity to dispute (and the process for doing so) to a University's official's participation in the Investigation and Resolution Procedures if that official has a conflict of interest.
- Information and assistance needed to effectively participate in all proceedings regarding the complaint.
- The same opportunities as the responding party to participate in the Investigation and Resolution Procedures, including:
  - To be accompanied to any interview or other meeting related to this process by the advisor/support person of their choice. The support person may attend but shall not participate in the hearing, interview or related meeting.
  - To receive timely notice of all interviews/meetings at which they may/must be present, and both parties will be provided with timely and equal access to information. For interviews, a minimum of 48 hour notice of the interview date, time and location will be provided to the interviewee.
  - To speak on their own behalf, suggest questions to be posed by the University investigator to other participating parties and respond to the other party, and to submit other evidence on their own behalf.
  - To identify and/or present statements from fact witnesses or submit any other evidence that the investigator deems relevant.
  - To receive periodic status updates and to be informed about the outcome of the investigation and resolution process (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act (FERPA) or other applicable law).

- To receive notice of the outcome of the investigation and any sanction determinations.
- To appeal the outcome, including any resulting finding(s), sanction(s) or corrective action(s).

## **B. Confidentiality**

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this Policy will be observed, provided that it does not interfere with the University's ability to conduct an investigation and take any corrective action deemed appropriate by the University. Consistent with the University's obligations under the Clery Act and VAWA, identifying information regarding reporting parties will not be included in any Timely Warnings or other publicly-available records.

## **C. Advisors or Support Persons**

The reporting party and the responding party both have the right to have an advisor/support person of their choice accompany them at all stages of the resolution process of a Title IX matter, including both informal and formal procedures relating to an alleged or suspected violation of this Policy.

- An advisor/support person is not allowed to advocate for a party like an attorney would advocate in court. In other words, the advisor/support person does not serve as an advocate or representative of a party and may not be actively involved in any of the corresponding meetings and/or interviews. The advisor/support person should not directly address the investigator(s) about the matter during the meeting or interview.
- A reporting party and responding party may use a different advisor/support person at various stages in the process.
- An advisor/support person must respect the privacy of all parties throughout the investigation and resolution process.
- An advisor/support person may not provide support for more than one reporting party or responding party during a case that involves multiple parties. Any requests for an exception to this should be directed to the Title IX Coordinator.
- Any party deciding to use as an advisor/support person an individual who works as an attorney or has a J.D. degree must inform the Title IX Coordinator a minimum of 24 hours prior to the meeting or other proceedings in question.
- As needed to protect the integrity of the investigation and resolution process, Aurora University reserves the right to excuse from any meeting or other proceedings an advisor/support person who is a witness with information about facts material to the investigation.
- Aurora University also reserves the right to excuse from any meeting or other proceedings any advisor/support person who is disruptive or who does not adhere to the limitations outlined in this form.
- Aurora University prohibits retaliation against any individuals filing a report of sexual misconduct or participating in the investigation of the report. An advisor/support person is protected by and subject to this retaliation prohibition. An advisor/support person may not retaliate against any person participating in this process. If an advisor/support person experiences retaliation as a result of participation in an investigative, disciplinary, or appeal process under the University's Title IX or discrimination/harassment procedures, the advisor/support person should contact the Title IX Coordinator, Shaun Neitzel ([sneitzel@aurora.edu](mailto:sneitzel@aurora.edu), 630-844-6515, Eckhart Hall 105).

#### **D. Conflict of Interest**

The University requires any individual participating in the investigation, sanctioning or appeal of sexual misconduct or interpersonal violence matters to disclose any potential or actual conflict of interest. The reporting and responding party will both receive notice of the individuals or individuals with authority to make a finding or impose a sanction before those individuals initiate contact with either party. If a party believes that an investigator(s) has/have a conflict of interest, the party should submit a request to replace the investigator(s) to the Title IX Coordinator within three calendar days of a party's notice of the conflicted individual's participation. In cases involving a faculty member where a party believes that the Vice President for Academic Affairs (VPAA) has a conflict of interest, a request to replace the VPAA should be submitted to the Title IX Coordinator within three calendar days of a party's notice of the conflicted individual's participation. In cases where a party believes that the appellate official has a conflict of interest, a request to replace that member should be submitted to the Title IX Coordinator within three calendar days of a party's notice of the conflicted individual's participation. Any individual or individuals reviewing an appeal of the findings or imposed sanctions shall not have participated previously in the complaint resolution procedure.

#### **E. Records Maintenance**

The University will maintain documentation and records regarding alleged violations of the Policy and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act (FERPA), and to the extent possible excludes personally identifiable information of victims of sexual misconduct, interpersonal violence, and stalking.

All files relating to the Title IX Investigative Report, Initial Assessment, Informal Resolution, Investigation, Sanctions and Appeals will be maintained by the Title IX Coordinator. If a student has been found responsible for violating the Policy, this finding remains a part of that student's conduct record.

#### **F. Special Provisions**

- **Attempted Violations:** In most circumstances, the University will treat attempts to commit any of the violations listed in this Policy as if those attempts had been completed.
- **The University as Complainant:** As necessary, the University reserves the right to initiate a student or employee conduct complaint, to serve as complainant, and to initiate conduct proceedings without a formal grievance by the victim or reporting party.
- **Fabricated Allegations:** The University will not tolerate fabricated allegations. Any allegations suspected to be fabricated for the purpose of harassing another student or employee or disrupting the University's operations constitute a separate and serious violation of University policy and may also violate civil and criminal laws. Any student or employee who knowingly corroborates a fabricated allegation is also in violation of this Policy.
- **Parental Notification:** Parents/guardians of the involved parties may be notified of reported violations of this Policy in accordance with the Parental Notification Policy (Policy Statement M in the Aurora University Student Handbook).

## **PREVENTION, EDUCATION, AND TRAINING**

Aurora University is committed to the prevention of and education about sexual misconduct. In order to accomplish this, the University provides training through a variety of mechanisms and multiple constituencies.

### **I. Officials with Responsibility for Investigation or Adjudication of Sexual Misconduct or Interpersonal Violence.**

The University will provide officials responsible for the investigation or adjudication of sexual misconduct or interpersonal violence under this Policy with at least 8 hours of annual training on issues related to sex discrimination, sexual misconduct and interpersonal violence, including:

- The University's Policy;
- The relevant federal and State law concerning sexual violence, domestic violence, dating violence, and stalking;
- The roles of the University, medical providers, law enforcement, and community agencies in ensuring a coordinated response to a reported incident of sexual violence;
- The effects of trauma on a survivor;
- The types of conduct that constitute sexual violence, domestic violence, dating violence, and stalking, including same-sex violence;
- Consent and the role drugs and alcohol use can have on the ability to consent;
- Cultural sensitivity and compassionate communication skills for dealing with persons reporting sex discrimination, sexual misconduct and interpersonal violence;
- Complainant-centered and trauma-informed response training;
- Providing services to or assisting in locating services for complainant; and
- How to conduct the University's Sex Discrimination, Sexual Misconduct and Interpersonal Violence Investigation and Resolution Procedures in a way that protects the safety of complainants and promotes institutional accountability.

### **II. Primary Prevention and Awareness Programs**

The University will provide primary prevention and awareness programs for all incoming students and new employees that include the following:

- A statement that the University prohibits the offenses of sexual assault, domestic violence, dating violence and stalking, and a description of the University's policies that prohibit this conduct;
- The definition of consent and inability to consent, in reference to sexual activity, as defined in the applicable jurisdiction;
- The definition of sexual assault, domestic violence, dating violence, and stalking (or similar offenses) in this Policy and in the applicable jurisdiction;
- The definition of retaliation as it relates to sexual violence;
- A description of safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, domestic violence, dating violence, or stalking against a person other than such individual;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;

- The procedures that a complainant should follow if sexual assault, domestic violence, dating violence, or stalking has occurred, as described in this Policy;
- The complainant's options for reporting such incidents to the University, to University law enforcement, and to local law enforcement;
- The complainant's options for reporting such incidents to a confidential advisor or other confidential resources;
- Available survivor services;
- The possible sanctions and protective measures that the University may impose following a final determination of a violation of University Policy regarding sexual assault, domestic violence, dating violence, or stalking;
- The procedures for University disciplinary action in cases of alleged sexual assault, domestic violence, dating violence, or stalking, as described in this Policy, including the standard of proof that is used;
- Information about how the University will protect the confidentiality of complainants, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the complainant, to the extent permissible by law, and how the University will maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures;
- A statement that the University will provide written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for student and employee complainants both within the University and in the community;
- A statement that the University will provide written notification to complainants about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus security or local law enforcement; and
- A statement that, when a complainant reports to the University that the complainant has been a victim of sexual assault, domestic violence, dating violence, or stalking, whether the offense occurred on or off campus, the University will provide the complainant a written explanation of the complainant's rights and options.

### **III. Ongoing prevention and awareness campaigns**

The University will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs, including electronic and hard copies of this Policy and procedures.