

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

### **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. Policy Statement**

Aurora University prohibits all forms of 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.

Pursuant to the Department of Education’s regulations implementing Title IX of the Education Amendments of 1972, the University has adopted a [Title IX Sexual Harassment Policy](#). Specific conduct proscribed by the Title IX Regulations on Sexual Harassment is addressed through the University’s Title IX Sexual Harassment Policy.

#### **II. Scope**

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.

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.

Individuals impacted by discrimination, harassment, sexual misconduct, or interpersonal violence may contact the Title IX Coordinator or other resources identified in this Policy to receive support, resources, and information even if they do not wish to move forward with the complaint resolution process described below.

#### **III. Relationship to The Title IX Sexual Harassment Policy**

Other language in this policy notwithstanding, “Title IX Sexual Harassment,” as defined in the Title IX Sexual Harassment Policy, will be governed by the Title IX Sexual Harassment Policy and should be addressed according to the processes stated therein. All other forms of sex-based discrimination are

governed by this Policy, including sexual harassment, as defined in this Policy, that does not rise to the level of Title IX Sexual Harassment as defined in the Title IX Sexual Harassment Policy.

Conduct that is initially raised through a formal complaint under the Title IX Sexual Harassment Policy may also be addressed under this Policy, in the University's discretion, when: (i) the conduct at issue, or some part of it, may constitute a violation of this Policy irrespective of whether it constitutes Title IX Sexual Harassment under the Title IX Sexual Harassment Policy; (ii) the Formal Complaint, or some part of it, has been dismissed under the Title IX Sexual Harassment Policy; or (iii) a final determination of a Formal Complaint has been made under the Title IX Sexual Harassment Policy and separate or additional action may be necessary to enforce this policy.

#### **IV. Responsible University Personnel**

The University has designated the Title IX Coordinator/Vice President for Human Resources as the University official responsible for implementing this Policy. This includes the coordination of training, education, communications, and administration of grievance procedures for the handling of suspected or alleged violations of this Policy and the Title IX Sexual Harassment 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. The Title IX Coordinator/Vice President for Human Resources is available to meet with or talk to students, faculty, or staff regarding questions or issues relating to this Policy. Her contact information is below:

Dr. Amy Gray, Vice President for Student Success and Title IX Coordinator  
Office location: 316B Eckhart Hall  
Phone: 630-844-5467  
Email: [agray@aurora.edu](mailto:agray@aurora.edu)

The following members of the University community have been designated to assist with the implementation and administration of this Policy, and with resolving alleged or suspected violations of this Policy. These individuals are trained to work with individuals who report or are accused of sexual misconduct, or interpersonal violence and have knowledge about on- and off-campus resources, services, and options—including the availability of interim measures, as discussed below.

The Assistant Title IX Coordinators are also available to meet with or talk to students, faculty, or staff regarding questions or issues relating to this policy. Their contact information is below:

Alyson Beck, Director of Human Resources and Assistant Title IX Coordinator  
Office location: 104 Eckhart Hall  
Phone: 630-844-5260  
Email: [ambeck@aurora.edu](mailto:ambeck@aurora.edu)

Jim Hamad, Assistant Vice President for Student Life/Athletic Director and Assistant Title IX Coordinator  
Office location: 247 Alumni Hall  
Phone: 630-844-4910  
Email: [jhamad@aurora.edu](mailto:jhamad@aurora.edu)

Dr. Kate Herrick, Vice President for Academics 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)

Chris Smith, Director of Residence Life and Assistant Title IX Coordinator  
Office location: 105A Eckhart Hall  
Phone: 630-844-6143  
Email: [csmith@aurora.edu](mailto:csmith@aurora.edu)

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

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

## **V. Prohibited Conduct**

The following conduct is prohibited under this Policy. The University's Title IX Sexual Harassment Policy, criminal laws, and other applicable state laws may use different definitions of these terms.

### **A. 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. ***Allegations of sex discrimination that do not fall into the categories of Sexual Misconduct or Interpersonal Violence, as defined below, will be addressed through the investigation and resolution procedures of the Student Code, the Faculty Handbook, the Employee Handbook, or other University policies, as applicable.***

### **B. Sexual Misconduct**

The following offenses are considered Sexual Misconduct and are prohibited by 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 is sufficiently severe or pervasive to constitute sexual harassment, the University considers the totality of the circumstances, including the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. A person's subjective belief that behavior is intimidating, hostile, or offensive does not in itself make that behavior prohibited harassment under this Policy. The behavior must create a hostile environment and/or substantially interfere with access to a University program or activity from an objective perspective.

While sexual harassment as defined here encompasses a wide range of conduct, some examples of specifically prohibited conduct include, but are not limited to:

- Pressure for or forced sexual activity;
- Unwelcome physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, kissing, hugging, massaging, 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 advances are rejected.
- Pressure for a dating, romantic, or intimate relationship;
- Sexual posters, photos, pictures cartoons or graffiti;
- Unwelcome sexual advances;

- Repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome;
  - Sexual gestures, noises, remarks, jokes, humor, innuendo;
  - Unwelcome and/or unnecessary questions, or comments about a person's body, sexuality or sexual experience.
2. **Sexual Assault**: 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 assault 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 assault includes, but is not limited to:
- **Non-Consensual Sexual Penetration**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim or where the victim is incapable of giving consent. An "object" is anything used by the offender other than the offender's genitalia. Attempted Non-Consensual Sexual Penetration is included.
  - **Non-Consensual Sexual Contact**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest**: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
  - **Statutory Rape**: Non-forcible sexual intercourse with a person who is under the statutory 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

Interpersonal violence means physical abuse, harassment, intimidation, interference with personal liberty, or willful deprivation of one person upon another person. Interpersonal violence includes:

1. **Domestic Violence**: Domestic violence is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Illinois or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Illinois.
2. **Dating Violence**: Dating violence committed by a person –
  - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship will be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of relationship; and
    - The frequency of interaction between the persons involved in the relationship.
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:
  - "**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;
  - "**Reasonable person**" means a reasonable person under similar circumstances and with similar identities to the victim; and
  - "**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. **Complainant**: Throughout this Policy, the "Complainant" is the party alleging sexual misconduct or interpersonal violence or the party to whom sexual misconduct or interpersonal violence was directed. In certain circumstances, the University itself may constitute the Complainant.
2. **Respondent**: Throughout this policy, the "Respondent" is the party accused of sexual misconduct or interpersonal violence.

3. ***Third Party Reporter:*** An individual who reports sexual misconduct or interpersonal violence occurring between individuals other than him/herself.

4. ***Consent:*** Consent refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. 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 inferred 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.

If lack of consent is alleged by the Complainant, being impaired by alcohol or drugs on the part of the Respondent 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.

4. **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 Respondent reasonably should have known that a Complainant was incapacitated will be evaluated using an objective reasonable person standard. The question is whether the Respondent knew, or a sober, reasonable person in the position of the Respondent, knew or should have known, that the Complainant was incapacitated.
  - 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 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/>.
  - 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.**

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

It is a violation of this Policy to retaliate in any way against an individual or individuals because they have, in good faith, opposed any practices forbidden under this Policy, made a complaint alleging a

violation of this Policy, reported or disclosed an alleged violation of this Policy, are accused of a violation of this Policy or participated in the investigation or resolution of a complaint alleging a violation of this Policy. Retaliation may take many forms, and may include intimidating, threatening, coercing, or taking any action taken against an individual that adversely affects the individual's opportunity to benefit from the University's programs or activities because of the individual's complaint or participation.

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. Reports and complaints of retaliation or intimidation may be made in the manner specified in in this Policy. The University will take immediate and responsive action upon receiving any report of retaliation or intimidation and may pursue disciplinary action as appropriate. 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.

## **VII. 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, 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 Complainant under this Policy will never be identified in a timely warning.

## **VIII. 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

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

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 misconduct or interpersonal violence to talk to one or more of the individuals or agencies identified below.

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 “Reporting to Law Enforcement” below for more information on reporting to law enforcement.

#### **I. Reporting to the University**

The University strongly encourages individuals, including third party bystanders, to report incidents of sexual misconduct or interpersonal violence prohibited by this Policy to the Title IX Coordinator or an Assistant 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 an 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).

Incidents of sexual misconduct or interpersonal violence may be reported to:

- **Title IX Coordinator**, Dr. Amy Gray, 316B Eckhart Hall, Phone: 630-844-5467, [agray@aurora.edu](mailto:agray@aurora.edu)

- **Assistant Title IX Coordinators**

Alyson Beck, Director of Human Resources and Assistant Title IX Coordinator

Office location: 104 Eckhart Hall

Phone: 630-844-5260

Email: [ambeck@aurora.edu](mailto:ambeck@aurora.edu)

Jim Hamad, Assistant Vice President for Student Life/Athletic Director and Assistant Title IX Coordinator

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Dr. Kate Herrick, Vice President for Academics and Student Life GWC and Assistant Title IX Coordinator

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Phone: 262-245-8581

Email: [kherrick@gwc.aurora.edu](mailto:kherrick@gwc.aurora.edu)

Chris Smith, Director of Residence Life and Assistant Title IX Coordinator

Office location: 105A Eckhart Hall

Phone: 630-844-6143

Email: [csmith@aurora.edu](mailto:csmith@aurora.edu)

Mary Weis, Vice President for Human Resources and Title IX Coordinator

Office location: 104B Eckhart Hall

Phone: 630-844-3866

Email: [mweis@aurora.edu](mailto:mweis@aurora.edu)

- **Reporting Officials**

In addition to reporting to the Title IX Coordinator or an Assistant Title IX Coordinator, any person may report sexual misconduct or interpersonal violence to any University employee with managerial authority over other employees, including cabinet members, deans, department heads, unit supervisors, and other managers (collectively "Reporting Officials") who must promptly forward such report to the Title IX Coordinator.

All other University employees, except for those identified in the Confidential Resources section below, are encouraged, but are not required to, forward reports of sexual misconduct or interpersonal violence to the Title IX Coordinator.

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

**Reports may be submitted to the Title IX Coordinator, Assistant Coordinators, Reporting Officials, or Department of Campus Safety in person, in writing, including by electronic mail and may be submitted by complainants, third parties, witnesses, or bystander**

### **Anonymous and Electronic Reporting**

Electronic reports can be submitted via the University Sexual Misconduct webpage at <https://aurora.edu/sexual-misconduct>. A report made through the University's Sexual Misconduct webpage can be submitted anonymously. Upon filing an electronic report, the electronic reporter (if not anonymous) will receive an electronic response within 12 hours.

#### **A. 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 sexual misconduct and interpersonal violence complaints will receive specific training regarding the safeguarding of private information.

#### **B. Information Regarding the Rights of the Parties**

Upon receiving a report of an incident of sexual misconduct or interpersonal violence prohibited under this Policy, the University will provide the Complainant a written document (separate from this Policy) listing, in plain, concise language, the Complainant's available rights, options and resources, as well as a description of the University's Sexual Misconduct and Interpersonal Violence Investigation and Resolution Procedures. The University will also provide the Respondent a written document (separate from this Policy) listing, in plain and concise language, the Respondent's available rights, options and resources, as well as a description of the University's Investigation and Resolution Procedures.

#### **C. 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. 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.

The determination of whether a request for confidentiality can be honored is made by the Title IX Coordinator or designee. All Reporting Officials *must* report alleged or suspected violations of this Policy to the Title IX Coordinator or designee and should inform any Complainant 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 Complainant'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 Complainant'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 Respondent has records from a prior educational institution or elsewhere indicating a history of sexual misconduct or interpersonal violence;
- The Respondent 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 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 Complainant'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 Complainant'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.

## **II. Confidential Advisors and Resources**

Individuals wishing to obtain confidential assistance without making a report to the University may do so by speaking with any of the following Confidential Advisors or resources. These resources are available whether or not a Complainant chooses to report an incident to the University or to law enforcement or participate in the University's Investigation and Resolution Procedures or in the legal or criminal process with regard to any such report.

These resources are available to both parties. They can help explain the parties' rights and options under this Policy, assist the parties in obtaining support and navigating the University's reporting, investigation, and resolution process, and provide ongoing support as needed.

Disclosures to these trained Confidential Advisors or resources **will not** trigger the University's investigation into an incident.

### **A. Confidential Advisors**

Aurora University has entered into an agreement with Mutual Ground to provide Confidential Advisor services to Aurora University students seeking to make a 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. In addition to providing confidential counseling, Confidential Advisors also provide emergency and ongoing support to individuals who have been affected by 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)

## **B. On-Campus Confidential Resource Contact Information**

In addition, the following on-campus confidential resources are also available to students who have been affected by sex discrimination, sexual misconduct or interpersonal violence.

### **Aurora Campus**

- Aurora University Counseling & Psychological Services (630-844-5416, 1317 Marseillaise Place)
- Health Services (630-844-5434, 1317 Marseillaise Place)
- University Chaplain (630-844-6866, 430 South Evanslawn Avenue)

### **George Williams Campus**

- Counseling Services (262-245-8597, 350 Constance Blvd.)

## **C. 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 who are available to discuss incidents of sexual misconduct or interpersonal violence in confidence. 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

### **III. Reporting to Law Enforcement**

In addition to contacting the Title IX Coordinator, an Assistant Title IX Coordinator, or other Reporting Official, a Complainant 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 Complainants have the option to pursue a criminal complaint with an appropriate law enforcement agency, to pursue a 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 whether or not a criminal complaint is pursued by the Complainant. 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 Complainant 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 parties 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. Parties 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

**IV. 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 Health Services 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

Rush-Copley Medical Center (24/7, ER assistance)

2000 Ogden Ave.  
Aurora, IL 60504  
Phone: 630-978-6200  
Centegra Hospital  
1 Doty Rd.  
Woodstock, IL 60098

Phone: 815-338-2500  
Mercy Walworth Hospital  
N2950 State Road 67  
Lake Geneva, WI 53147  
Phone: 262-245-0535

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.

## **V. 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.

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

The welfare of students and employees in our community is of paramount importance, and the University encourages students and employees to offer help and assistance to others in need. The University recognizes that individuals sometimes might be 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 or interpersonal violence to the Office of Campus Public Safety because of the potential consequences for their own conduct). To encourage reporting, the University offers amnesty or limited immunity for students or employees who help to others in need. A student or employee who makes a good faith report of sexual misconduct or interpersonal violence that was directed at them or another person will not be subject to disciplinary action by the University for any violation of the Student Handbook (the A-Book), the Employee Handbook and the Faculty Handbook, such as underage drinking, that is related to and revealed in the course of the sexual misconduct or interpersonal violence report or investigation, unless the University

determines that the violation was serious and/or places the health or safety of any other person at risk. The University may, however, pursue educational remedies regarding alcohol or other drugs with regard to an individual who makes such a good faith report.

## **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. 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) in a fair, impartial and thorough manner. The use of these listed processes for conduct that implicates this Policy may depend on the extent to which a particular matter also falls within the scope of the Title IX Sexual Harassment Policy and the procedural steps engaged for such a matter pursuant to the Title IX Sexual Harassment Policy. The University will provide periodic updates as it deems appropriate about procedural steps applied.

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, whether the Complainant is willing to file a report or consent to an investigation, whether the Complainant requests 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 Complainant 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 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 Complainant does not wish to participate in the Investigation and Resolution process. In these cases, the University will serve as the Complainant in the procedures described below.

The Title IX Coordinator will review the available options with both parties. These include the opportunity for both parties 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. Both parties will receive periodic updates regarding the status of the resolution.

### **I. Initial Assessment**

Whatever the source, the University will make every effort to bring reports as quickly as possible to the Title IX Coordinator for an Initial Assessment. For every report of an alleged or suspected violation of this Policy, the Title IX Coordinator or designee will review the circumstances of the reported conduct to determine the following:

- whether the University has jurisdiction over the parties involved;
- which University policy is applicable to the parties and the conduct being reported; and
- the actions within the University's control necessary to eliminate, prevent, and address the reported conduct.

If the Respondent is not a member of the University community or is no longer affiliated with the University at the time of the report or at the time the Complaint Resolution Process is initiated (including if the Respondent has graduated or left the University), the University may be unable to take disciplinary action or conduct an investigation.

As a result of the Initial Assessment, the Title IX Coordinator or designee may determine that the conduct reported falls under the scope of the University's Title IX Sexual Harassment Policy and proceed to apply the procedures of that policy.

If the Title IX Coordinator determines that the conduct reported cannot fall under the scope of the Title IX Sexual Harassment Policy but could fall within the scope of this Policy, the Title IX Coordinator will proceed with the procedures set forth below.

Once it is determined that the procedures of this Policy will be applied, the first step of the Initial Assessment will typically be a meeting between the Complainant and the Title IX Coordinator and/or designee. At this time, a written complaint or statement may be submitted by the Complainant, but a written complaint or statement is not necessary; information provided by the Complainant 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 Complainant'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 Complainant 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 Complainant 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 Respondent in cases where the University believes there is risk of harm to others. In exercising its discretion, the University will make every effort to avoid depriving any student of his or her education. Any Interim Measures or Remedies will be taken in a manner that minimizes the burden on both parties to the extent possible.
- Discuss fully the options, 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 Complainant 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 Complainant, the Respondent 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 Respondent is not necessary or appropriate under the circumstances. When notified of the report or complaint, the Respondent will also receive parallel discussion of the options, 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 Respondent will also be provided with a written explanation of these rights.

**The Respondent may elect to accept responsibility for all or part of the conduct alleged by the Complainant 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 Respondent does not accept responsibility, the investigation will proceed as described below. In addition, if the Respondent withdraws a prior acceptance of responsibility, the process will continue as described below.

If the Title IX Coordinator or designee determines that the conduct reported falls within the scope of this Policy, the Title IX Coordinator and/or designee will proceed to 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 and that are individualized and appropriate for the case at hand. 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 both parties 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 both 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 both 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 Complainant chooses to report the crime to campus security or to local law enforcement. The University will facilitate such changes if the party requests them and if they are

reasonably available, regardless of whether the Complainant 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.

Throughout the Investigation and Resolution process, the Title IX Coordinator will monitor the effectiveness of the interim measures or remedies described above and communicate with both parties on the provision and implementation of these measures, and to ensure that any interim measures are necessary and effective based on the party's evolving needs.

## **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) after receiving a full disclosure of the allegations and their options for formal resolution, all parties voluntarily agree to participate in the Informal Resolution process.

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 sexual misconduct or interpersonal violence. Throughout the investigation and process, both parties will be treated fairly and equitably.

The Title IX Coordinator will assign an internal investigator who has been trained in the investigation of issues related to 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 sexual misconduct and interpersonal violence. The investigator(s) will undertake an Investigation for the purposes of adjudicating whether the Respondent is responsible for the alleged violation(s) of the Policy.

The Title IX Coordinator will provide written notice to both parties that a grievance has been filed. The written notice provided to the Respondent will include the following information: (1) the identity of the parties involved, if known; (2) the specific section of the University's policy allegedly violated; (3) the precise conduct allegedly constituting the alleged violation; (4) the dates and location of the alleged incident, to the extent known, and (5) the names 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 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. If additional allegations are raised or the substance of the allegations changes, the parties will receive additional notice.

The 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. Should the institution require more time to complete the fair, impartial and thorough investigation as a result of extenuating circumstances, both parties will be provided written notice of the circumstances contributing to the need of additional time, as well as an estimated date of completion 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 both parties. 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 parties 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 parties 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 the 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 parties 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.
- Each party will be encouraged to suggest questions to be posed by the University investigator to other participating parties or witnesses (along with an explanation of why the party believes the question(s) would elicit relevant information), which questions the investigator will review to determine whether they should be asked.
- Each party will have the opportunity to respond to questions posed by the investigator suggested by the other party, and to submit other evidence on their own behalf.
- The use of any recording devices (photo, video or audio) by parties, witnesses, or advisors/support persons is prohibited.
- Questions about the Complainant's sexual history with anyone other than the Respondent, 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 parties of the date upon which no additional evidence will be accepted (i.e. close of evidence).

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

Upon completion of the investigation, the investigator(s) will produce a Preliminary Investigation Report that summarizes and analyzes the allegations, the relevant facts, the Investigator's credibility determinations and rationale for those determinations, and all relevant inculpatory and exculpatory evidence. For any investigation under this Policy that was initiated under the University's Title IX Sexual Harassment Policy, the Preliminary Investigation Report may rely on any facts, documents, statements, or other information obtained during the process under the Title IX Sexual Harassment Policy. The Preliminary 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 Preliminary Investigation Report and provide in writing to the Title IX Coordinator their comments on the Preliminary Investigation Report identifying any factual inaccuracies or misunderstandings and any additional questions to suggest that the investigator ask of the other party or other witnesses (along with an explanation of why the party believes the question(s) would elicit relevant information that has not already been sought or obtained by the investigator) within 48 hours

of review of the report. The investigator(s) will address any identified factual inaccuracies or misunderstandings as appropriate prior to determining an outcome of the investigation.

### C. Findings

The investigator will address any identified factual inaccuracies or misunderstandings reported by either party as appropriate and determine whether to ask any additional questions of either party or any witness. Based upon all information gathered during the investigation, including any facts, documents, statements, or other information obtained during any investigation or hearing under the Title IX Sexual Harassment Policy addressing the same conduct or the comments received from both parties after Review of the Preliminary Investigation Report with the Title IX Coordinator, the investigator(s) will prepare a Final Investigation Report that includes the parties' comments to the Preliminary Investigation Report, any additional information gathered by the investigator, and any appropriate revisions to the Preliminary Investigation Report, including any revisions or supplements to the investigator's credibility assessments, and the investigator's finding(s) about whether the University's Policy has been violated (i.e. a finding(s) as to whether the Respondent is Responsible or Not Responsible for any policy violation(s) and the rationale for these determinations and finding(s)). If the complaint presents more than a single allegation of misconduct, a finding will be made separately as to each allegation.

The Final Investigative Report, including a finding of responsibility or non-responsibility for each Policy violation alleged and a rationale for each finding, will be provided to the Title IX Coordinator. The Final Investigative Report will be available for review by both parties when they are notified simultaneously/contemporaneously to the greatest extent possible of finding(s), sanction(s), and any other corrective action(s), the rationale for such, and information regarding appeal rights and timelines.

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 Respondent 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 Respondent 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 Respondent is responsible for a violation of the Policy, sanctions shall be determined and/or recommended as follows:

- When the **Respondent 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 **Respondent 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 misconduct or interpersonal violence, 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 **Respondent 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 Complainant (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. Sanctions imposed will be proportionate with the violation. In imposing disciplinary sanctions, the investigator will consider the impact of separating a student from his or her education.

- 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. In addition, entry upon campus during the suspension without prior permission constitutes a separate disciplinary offense and may form the basis for further discipline, including expulsion. Upon completion of a student's suspension, the student may be eligible to petition the University in writing for readmission. As part of this process, the suspended student may be asked to meet with the Dean of Student Life or designee, take responsibility for the student's prior conduct, and otherwise demonstrate to the University's satisfaction that the student is ready to return to the Aurora University community. Any such petition will be granted or denied in the University's sound discretion.
- 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 Order: 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 Order 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 Order 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 & Psychological Services, Health Services, 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 measures and remedies for the Complainant 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 measures and remedies at the level of the University 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 a party in matters involving an alleged violation of this 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 Respondent may also be subject to prosecution under relevant local and/or federal law. The Complainant may pursue criminal/civil action against the Respondent 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), the rationale for the finding(s), sanction(s), and any other corrective action(s), and information regarding appeal rights and timelines.

1. ***For allegations of sexual assault, dating/domestic violence and stalking:*** Written notification will be provided to the parties 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 sexual harassment:*** Written notification will be provided to the parties 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 Respondent.

#### **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; or
  - c. The sanction is disproportionate to the violation.

Both parties shall have the same rights 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 (“VPSL”) 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 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.

## **ADDITIONAL POLICIES AND PROCEDURES**

### **I. Rights of Complainants and Respondents**

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

- Access to confidential on- and off-campus counseling and other support services, with the University's assistance upon request.
- 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 continued access to 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 Complainant in any form will be considered in resolving allegations reported to the University.
- Notice of the right to choose whether to notify proper law enforcement authorities, including campus law enforcement and local police, and of the right to decline to notify such authorities.
- Notice of the right to file, separate from any University procedures, a criminal complaint or petition for an order of protection through local law enforcement and of the 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 the right to choose whether to file an official complaint with the University.
- Access to information regarding how the campus will protect privacy and confidentiality throughout the investigation and resolution of the complaint and the full range of options, including potential sanctions, available for the resolution of the complaint.

- A prompt, fair, impartial and thorough investigation and appropriate resolution of all 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 and meaningfully participate in all proceedings regarding the complaint.
- The same opportunities as the other 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, respond to the other party, and 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 review any information offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act (FERPA) or other applicable law), as well as the opportunity to review a written investigation report summarizing all relevant exculpatory and inculpatory evidence and respond to that report in writing;
  - Timely and equitable access to any other information that will be used during any informal or formal disciplinary proceedings.
  - To receive periodic status updates.
  - 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), and for the Respondent, to receive notice of any sanction determinations.
  - To appeal the outcome, including any resulting finding(s), sanction(s) or corrective action(s).

## II. **Advisors or Support Persons**

Both parties 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. Although the parties are free to be accompanied by a support person of their choosing, the parties should consider that selecting a potential witness in the investigation to serve as the support person has the potential to impact the credibility of the witness.

- 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 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 Complainant or Respondent 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 interpersonal violence 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.

### **III. 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. Both parties will 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.

### **IV. 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.

## **V. 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 an individual Complainant.
- **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 or accused of sex discrimination, sexual misconduct and interpersonal violence;
- Trauma-informed response training;
- Providing services to or assisting in locating services for both reporting and responding parties; 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 the parties 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 options for reporting such incidents to the University, to University law enforcement, and to local law enforcement;
- The option for either a Complainant or a Respondent to discuss incidents or accusations of sexual misconduct or interpersonal violence with a Confidential Advisor or other confidential resources;
- Available services for Complainants and Respondents;
- 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 that the University will use to investigate and resolve allegations of 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 the parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the parties, to the extent permissible by law, and how the University will maintain as confidential any accommodations or protective measures provided to the parties, 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 reporting and responding parties both within the University and in the community;

- A statement that the University will provide written notification to reporting and responding parties about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures, if so requested by the party 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 a written explanation to both parties of their 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.