

Institute for Clinical Social Work

Sexual Misconduct Policy and Complaint Resolution Procedures

I. POLICY STATEMENT

Sexual misconduct, including sexual discrimination, harassment, non-consensual sexual intercourse and/or contact, exploitation, and interpersonal violence such as stalking, dating violence and/or domestic violence, will not be tolerated at the Institute for Clinical Social Work (ICSW). The Institute cares deeply about the health, safety, and well-being of all members of its community and is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct, the timely and equitable resolution of sexual misconduct complaints, and educational and prevention programming.

This Policy applies to all members of the ICSW community, including students, faculty, staff, administrators, board members, contractors, vendors, and visitors. The Policy applies to on-campus and off campus conduct, including online or electronic conduct, when the off-campus conduct: (i) occurs during an ICSW-sponsored employment or educational activity or program; (ii) adversely impacts the education or employment of a member of the ICSW community; or (iii) otherwise threatens the health and/or safety of a member of the ICSW community.

Students and employees continue to be subject to city, state, and federal laws while at ICSW, and violations of those laws may also constitute violations of this Policy. In such instances, ICSW may proceed with an investigation under this Policy independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of this Policy even if such criminal proceeding is not yet resolved or is resolved in the Responding party's favor.

For students and ICSW employees, this Policy applies to conduct that takes place from the time a person accepts enrollment as a student or accepts employment and continues until the student graduates or otherwise separates from ICSW or the employee ceases employment.

II. NOTICE OF NON-DISCRIMINATION

ICSW does not discriminate on the basis of sex in its educational programs or services or in the context of employment or admissions. Sexual misconduct, including sexual harassment as defined in this policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

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

This Policy prohibits sexual misconduct against all ICSW community members of any gender or sexual orientation or gender expression. This policy also prohibits harassment based on gender or sexual orientation that does not involve conduct of a sexual nature. ICSW's non-discrimination policy can be accessed at (link).

Further information about Title IX and sex discrimination in education is available from the Office for Civil Rights (U.S. Department of Education, Citigroup Center, 500 Madison St., Suite 1475, Chicago, IL 60661-4544, 312-730-1560, OCRChicago@ed.gov, ed.gov.ocr), or ICSW's Title IX Coordinator as set forth directly below.

III. ROLE OF TITLE IX COORDINATOR

To manage ICSW's compliance with Title IX, ICSW has a designated Title IX Coordinator, Michael Bauman (Vice President, Finance and Operations), trained in the ICSW's policies and procedures, state and federal law and other issues related to addressing sexual misconduct. Specifically, the Title IX Coordinator may do some or all of the following:

- Oversees the investigation and resolution of all reports of prohibited conduct under this Policy;
- Advises any individual, including a reporting party, a responding party, or a third party, about the courses of action available at ICSW and in the community for resolving cases of sexual misconduct;
- Provides assistance to any "responsible employee" regarding how to appropriately respond to a report of prohibited conduct under this Policy;
- Conducts and/or reviews on-going climate checks, tracking, and monitoring of sexual misconduct allegations on campus;
- Oversees training, education, and prevention efforts; and
- Provides and participates in on-going training designed to assist in implementing these policies and procedures.

The Title IX Coordinator, Michael Bauman, can be reached during regular business hours at (312) 935-4242 or titleixcoordinator@icsw.edu

IV. PROHIBITED CONDUCT

ICSW prohibits sexual misconduct. Sexual misconduct is a broad term that, as previously indicated, encompasses sexual harassment, non-consensual sexual intercourse or contact, sexual exploitation, domestic and dating violence, and stalking.

Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by a person of any

gender identity, and can occur between people of the same or different gender identities. Sexual misconduct is a form of sex discrimination prohibited by federal and state discrimination laws. In addition, some forms of sexual misconduct violate the criminal laws of the State of Illinois. The following offenses are considered “sexual misconduct” and prohibited by ICSW.

A. “Sexual Harassment.” Sexual harassment is unwelcome conduct of a sexual nature. Sexual Harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature, without regard to whether the parties are of the same or different gender when:

- Submission to such conduct is either explicitly or implicitly a term or condition of an individual’s employment or status in a course, program or ICSW-sponsored 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 has the purpose or effect of unreasonably interfering with an individual’s educational experience or working conditions, i.e. it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile or offensive environment for working, learning or living on campus under both an objective and subjective standard (also referred to as “hostile environment”).

In considering whether conduct constitutes sexual harassment, ICSW considers the totality of the circumstances. Some examples of sexual harassment may include attempting to coerce an unwilling person into a sexual relationship; repeatedly subjecting a person to egregious, unwelcome sexual attention, innuendos or humor; punishing an individual for refusing to comply with a sexual based request; conditioning a benefit on submission to sexual advances; nonconsensual sexual contact or intercourse; or bullying based on gender or sex.

B. “Gender-Based Harassment.” Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Use of the term “sexual harassment” throughout this policy includes gender-based harassment/misconduct.

C. “Sexual Orientation-Based/Gender Identity-Based Harassment.” Sexual orientation-based harassment includes verbal, non-verbal, and physical acts of aggression, intimidation, or hostility based on an individual’s actual or perceived heterosexuality, homosexuality, bisexuality, or transsexuality/gender identity. Use of the term “sexual harassment” throughout this policy includes sexual orientation-based and gender identity-based harassment/misconduct.

- D. “Non-Consensual Sexual Intercourse (or attempts to commit the same).”** Non-consensual sexual intercourse means any penetration of the sex organs, anus, or mouth of another person, using any part of the body or an object, when consent is not present or force is used.
- E. “Non-Consensual Sexual Contact (or attempt to commit the same).”** Non-consensual sexual contact is the intentional touching or fondling a person’s genitals, breasts, thighs, groin, or buttocks, or any other contact of a sexual nature (including by bodily fluids), when consent is not present or force is used. This includes contact done directly, through clothing, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch, fondle, or contact oneself or someone.
- F. “Sexual Exploitation.”** Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or 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, invasion of sexual privacy, prostituting another person, non-consensual photographing, video or audio-taping of sexual activity, engaging in voyeurism, knowingly transmitting a sexually transmitted disease (STD) to another without disclosing STD status, exposing one’s genitals in non-consensual circumstances, and inducing another to expose their genitals. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.
- G. “Dating Violence.”** Dating violence is sexual or physical abuse of an individual, the threat of such abuse, or other violence by another person with whom the individual is or has been in a social relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence does not include acts covered under the definition of domestic violence below.
- H. “Domestic Violence.”** Domestic violence is violence committed by a current or former spouse or intimate partner of the individual, by a someone with whom the individual shares a child in common, by someone who is cohabitating with or has cohabitated with the individual as a spouse or intimate partner, by someone similarly situated to a spouse of the individual under the domestic or family violence laws of the jurisdiction in which the violence occurred, or any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the violence occurred.

I. **“Stalking.”** Stalking is a course of conduct directed at a specific that would cause a reasonable person to fear for their safety (or the safety of a third person) or suffer substantial emotional distress. For 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. Examples of stalking include, but are not limited to:

- - following a person;
 - being or remaining in close proximity to a person;
 - entering or remaining on or near a person’s property, residence, or place of employment;
 - monitoring, observing or conducting surveillance of a person;
 - threatening (directly or indirectly) a person;
 - communicating to or about a person;
 - giving gifts or objects to, or leaving items for, a person;
 - interfering with or damaging a person’s property (including pets); or
 - engaging in other unwelcome contact.

V. OTHER IMPORTANT DEFINITIONS

A. **“Consent”** is: expressed through affirmative, voluntary words or actions mutually understandable to all parties involved; is given for a specific sexual act at a specific time and can be withdrawn at any time; and cannot be coerced or compelled by duress, threat, or force. Consent cannot be given by someone who, for any reason, cannot understand the facts, nature, extent, or implications of the sexual situation occurring, including, but not limited to, those who are under the legal age of consent (17 years in Illinois¹), asleep, unconscious, or mentally or physically incapacitated through the effects of drugs or alcohol, or mentally impaired due to an intellectual or other disability. In addition, consent cannot be and should not be assumed based on: silence; the absence of verbal or physical resistance; an individual’s manner of dress; the existence of a prior or current relationship; or consent to prior sexual activity. Consent for sexual acts cannot be given by a third party, and consent to

¹ Except in cases of child sexual abuse under the Illinois Abused and Neglected Child Reporting Act, where the law requires that “mandated reporters” inform the Department of Children and Family Services when they have “reasonable cause to believe” that a child known to them in their professional or official capacity may be sexually abused. Under ANCRA, sexual abuse occurs when a *person responsible for the child’s welfare* commits sexual penetration, sexual molestation, or sexual exploitation as defined by State law. Under the Illinois Abused and Neglected Child Reporting Act, “child” includes any person under the age of 18. Employees of ICSW are considered mandated reporters.

sexual activity with one individual does not constitute consent to sexual activity with another individual.

- B. **“Coercion”** involves forcing a person to act, where that person fears harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation, or the use of physical force.
- C. **Determining whether conduct is “unwelcome”** involves determining whether, based on the record as a whole, the reporting party (i) did not solicit or incite the challenged conduct; and (ii) regarded the conduct as undesirable or offensive.
- D. **“Incapacitation”** means the physical and/or mental inability to make informed, rational judgments. States of incapacitation may encompass, without limitations, circumstances in which the individual is asleep, blacked out, affected by drugs or alcohol, or intellectually incapable (or incapable due to some disability) of making an informed, rational judgment. Where alcohol or other drugs are involved, one does not have to be legally intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts the particular individual’s decision-making capacity, awareness of consequences, and ability to make informed judgments. The question for purposes of determining incapacitation is whether the Responding Party knew -- or a sober, reasonable person in the position of the Responding Party would or should have known -- that the Reporting Party was incapacitated. Because incapacitation may be difficult to discern, individuals are strongly encouraged to err on the side of caution. That is to say, when in doubt, one should assume that another person is incapacitated and unable to give consent. Being intoxicated or drunk oneself is never a defense to a complaint of sexual misconduct under this Policy.

VI. POLICY AGAINST RETALIATION

It is also a violation of ICSW policy to retaliate against any person engaging in protected activity under this Policy. Retaliation is defined as a materially adverse action taken against an individual as a result of his or her participation in a protected activity under this Policy. Protected activity includes, but is not limited to, (a) making a good-faith complaint of sexual misconduct, (b) cooperating in good faith in the investigation of a complaint of sexual misconduct, and/or (c) testifying as a witness to any report of sexual misconduct.

Retaliation should be reported promptly to the Title IX Coordinator, the Dean of Students, the Dean of Faculty, or the Vice President, Finance and Operations. Acts of retaliation may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sexual misconduct -- and may be the basis for discipline or dismissal.

VII. ACADEMIC FREEDOM

ICSW is committed to the principles of academic freedom. Rigorous discussion and debate are fundamental to ICSW's educational mission, and this policy is not intended to determine or restrict teaching methods, course content, or the processes of intellectual inquiry and debate. The fact that speech or a particular expression is offensive is not necessarily a basis to establish a violation of this policy.

VIII. REPORTING OPTIONS AND AVAILABLE RESOURCES

There are various reporting options and resources available to the ICSW community. ICSW encourages those who have experienced sexual misconduct to talk to one or more of the individuals or agencies identified below.

- A. Confidential Sources:** The following resources are available to discuss incidents of sexual misconduct in confidence, and generally they only report to ICSW that an incident occurred without revealing any personally identifying information. Disclosures to these entities will not trigger an ICSW investigation into an incident. Faculty, staff and students wishing to obtain confidential assistance without making a report to ICSW may do so by speaking with one of the following confidential sources:

- **Rape Victim Advocates** (773-907-1062)

The following off-campus organizations also provide confidential assistance and additional resources:

- **The Chicago Rape Crisis Hotline:** 888-293-2080
- **National Sexual Assault Telephone Hotline:** 800-656-HOPE (4673)

All of the above resources employ professionals specifically trained to work with individuals who report sexual misconduct, and have knowledge about on-and off-campus resources, services, and options. Please note that limitations of confidentiality may exist for individuals under the age of 18.

- B. Reporting to ICSW.** ICSW strongly encourages individuals to report incidents of sexual misconduct to the Title IX Coordinator or other ICSW employee. With the exception of the confidential resources identified directly above, all other ICSW employees who receive a report of sexual misconduct, including faculty members, are required to report details of an incident (including the identities of both the Reporting Party and Responding Party) to the Title IX Coordinator.

The following resources may be contacted to initiate an investigation into an incident of sexual misconduct:

- **The Title IX Coordinator:** Michael Bauman (312-935-4242; titleixcoordinator@icsw.edu)
- **The President of ICSW:** Michelle Taylor (312-935-4234; mtaylor@icsw.edu)
- **Alternative option for filing electronic complaints: Sebastian Beaudet** (sbeaudet@icsw.edu)
- **The Office of Student Affairs:** Elizabeth Oller (312-935-4245; eoller@icsw.edu)

If you are in immediate danger, **call 911 for the Chicago Police Department. The non-emergency number for the Chicago Police Department is 3-1-1.** The ICSW Title IX Coordinator can also connect you to the Chicago Police Department. See Subsection E below for more information on reporting to law enforcement.

The privacy of all parties involved in a complaint made to ICSW will be respected. Information related to a report of sexual misconduct or harassment will be shared only with those ICSW employees who “need to know” to assist in the investigation and/or resolution of the complaint. All ICSW employees who are involved in the review, investigation, or resolution of a report are required to participate in specific training regarding the safeguarding of private information.

- C. Information Regarding the Rights of Reporting Parties.** Consistent with applicable State and federal law, upon receiving notice of an alleged Sexual Misconduct Policy violation, ICSW shall provide the Reporting Party with a separate written document listing the Reporting Party’s rights and options under this Policy.
- D. Requests for Confidentiality.** If an individual discloses an incident of sexual misconduct to a non-confidential source, but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, ICSW must weigh that request against ICSW’s obligation to provide a safe, non-discriminatory environment for all members of the ICSW community, including the individual who has experienced sexual misconduct. In rare instances, ICSW’s obligation to provide a safe, non-discriminatory learning and working environment may mean that it is not able to honor an individual’s request to refrain from investigation or maintain absolutely confidentiality.
- ICSW has designated the Title IX Coordinator (Michael Bauman) to evaluate requests for confidentiality. When weighing an individual’s request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider the following range of

factors to determine whether there is an increased risk that the alleged perpetrator will commit additional acts of sexual misconduct:

- whether there have been other sexual misconduct complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others;
- whether the alleged sexual misconduct was committed by multiple perpetrators;
- whether the alleged sexual misconduct was perpetrated with a weapon;
- whether the alleged sexual misconduct was committed against a minor; and/or
- whether the Reporting Party's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead ICSW to investigate and, if appropriate, pursue disciplinary action pursuant to the formal resolution process set forth in this Policy or other ICSW procedures. If ICSW determines that it cannot maintain an individual's confidentiality, ICSW will inform the individual prior to starting an investigation and will, to the extent possible, limit the information shared during the Complaint Resolution Process.

- If none of the above factors is present, ICSW will likely honor the individual's request for confidentiality. If ICSW honors the request for confidentiality, an individual must understand that ICSW's ability to fully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

E. Reporting Incidents to Law Enforcement. ICSW encourages Reporting Parties to report to law enforcement any instances of sexual misconduct that could rise to the level of a crime, and ICSW will assist individuals wishing to do so. A police report must be made before a criminal prosecution can be considered by the local State's Attorney's Office. The chances of successful prosecution are greater if the report to the police is timely.

Reporting Parties have the right to request that law enforcement or the judicial system implement emergency protective restraining orders. ICSW shall assist Reporting Parties who wish to do so. Reporting Parties who receive emergency or

permanent protective or restraining orders through a criminal or civil process should notify the Title IX Coordinator. ICSW will work with the Reporting Party and the person who is the subject of the restraining order to manage compliance with the order on campus.

Regardless of whether criminal charges are filed, ICSW will investigate and resolve complaints of sexual misconduct under this Policy where appropriate. 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, for purposes of this Policy, has occurred. Conduct may constitute sexual misconduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to investigate or prosecute.

ICSW's investigation of a complaint shall proceed simultaneously with any law enforcement investigation, except that ICSW may, in some circumstances, defer the fact-finding portion of its Title IX investigation temporarily while law enforcement investigates. In such cases, the Title IX Coordinator shall inform the parties of the need to defer its fact-finding, provide regular updates on the status of the investigation, and notify the parties when ICSW's fact-finding resumes. During this period, ICSW will take any additional interim measures necessary to protect the Reporting Party and the ICSW community.

- F. Medical Assistance.** Regardless of whether an individual who has experienced sexual misconduct decides to report an incident to ICSW or law enforcement, individuals are encouraged to seek immediate medical attention from one of the sources listed below in order to treat physical injuries, test for and treat sexually transmitted infections and pregnancy, and access emergency contraception (if requested).

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 as to whether he or she wants to speak to the police.

Local medical assistance at a facility with trained sexual assault examiners can be obtained at:

- Northwestern Memorial Hospital, 251 E. Huron Street, Chicago, IL 60611 (312-926-2000)

- G. Evidence Collection.** Even if an individual has not been physically injured, 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 or she can bring them unwashed to the hospital or medical facility in a paper bag.
- Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient.
 - Individuals who have experienced nonconsensual sexual intercourse or contact, domestic or dating violence, and/or stalking are also encouraged to preserve evidence by saving emails, text messages, instant messages, social networking pages, hard-copy communications, pictures, logs, or other relevant materials establishing facts or chronology.
- H. Amnesty for Sexual Misconduct Reporting Parties and Witnesses.** ICSW encourages reporting of sexual misconduct and seeks to remove barriers to an individual making a report. ICSW recognizes that individuals who have been drinking or using drugs at the time of an incident may be hesitant to make a report because of the potential consequences of their own conduct. An individual who reports sexual misconduct, either as a Reporting Party or third-party witness, will not be subject to disciplinary action by ICSW for his or her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not or do not place the health or safety of any other person at risk.
- I. False Reporting or Testimony.** Reports of sexual misconduct that are later found to be intentionally false or made maliciously without regard for truth shall constitute a violation of this policy, and subject the Reporting Party violating the Policy to discipline. Likewise, a third-party witness or Responding Party who intentionally provides false or misleading testimony may be subject to disciplinary action under this Policy. This provision does not apply to reports made or information provided in good faith, even if the allegations in the report or information provided are not substantiated by a preponderance of the evidence at the conclusion of the investigation.

IX. INSTITUTIONAL CRIME REPORTING

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), requires institutions of higher education to compile and publish statistics on certain criminal offenses including, sexual assault (i.e., non-consensual sexual intercourse), domestic and dating violence and stalking that occur on or adjacent to school properties. Although ICSW 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 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 Reporting Party.

ICSW 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 potentially compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A Reporting Party under this Policy will never be identified in a timely warning.

X. EDUCATIONAL PROGRAMMING

ICSW is committed to offering educational programs to promote awareness of sexual, gender and sexual orientation discrimination, including sexual harassment, non-consensual sexual contact and intercourse, domestic and dating violence, sexual exploitation, stalking and retaliation. Educational programs will include an overview of ICSW's policies and procedures; relevant definitions including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty and staff; and information about risk reduction.

Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will also have ongoing opportunities for training and education.

XI. SEXUAL MISCONDUCT COMPLAINT RESOLUTION PROCEDURES

ICSW provides a prompt, fair, and impartial institutional resolution to reported allegations of sexual misconduct. ICSW's process is completely separate from the police and courts. Upon receipt of a report or complaint of a violation of ICSW's Sexual Misconduct Policy, the Title IX Coordinator shall review the allegations and determine an appropriate course of action. Options include:

- Resolving the report or complaint through an informal resolution process (if applicable and subject to the parties' agreement);
- Investigating and resolving the report or complaint through ICSW's formal resolution processes; or
- Determining that the facts of the complaint or report, even if true, would not constitute a violation of ICSW's Policy, and closing the case.

A. Resolution Time Frame. ICSW aims to bring all allegations to a resolution, including the appeals process, within a sixty (60) calendar day time period. This time period can be extended as necessary for good cause by the Title IX Coordinator or other ICSW official upon written notice to the parties of the extension and an explanation of the reason for the extension. The parties are regularly notified by the Title IX Coordinator of the status of the proceedings throughout their duration.

B. Title IX Initial Review and Assessment. Upon receipt of a complaint alleging a violation of ICSW's Sexual Misconduct Policy, the Title IX Coordinator will assess the nature of the report, the safety of the involved individuals and of the campus community, the Reporting Party's expressed preference for resolution and/or request for confidentiality, and the necessity for any interim measures or modifications to maintain the safety of the Reporting Party or the community. If, during this assessment, it is determined that the alleged conduct, even if true, does not constitute a violation of ICSW's Sexual Misconduct Policy, the complaint will be closed and no further action may be taken. Where there is reasonable cause to believe that a violation has occurred, ICSW will proceed as set forth below. In such cases, the Title IX Coordinator shall provide both parties with a written statement of their rights and options under this Policy.

C. Interim Measures and Resources. Upon receipt of a complaint of alleged sexual misconduct, the Title IX Coordinator will take prompt and appropriate interim measures and/or provide appropriate interim resources to support and protect the Reporting Party and Responding Party and prevent any further acts of misconduct, harassment, or retaliation prior to the final resolution of the complaint. Interim measures may be imposed regardless of whether formal resolution or interim measures are sought by the Reporting Party or ICSW.

Interim measures and resources may include, but are not limited to:

- Referral to counseling and health services;
- Referral to the Employee Assistance Program (employees only);
- Alteration of Responding Party's (and/or Reporting Party's, if he or she desires) class assignments, academic program, or other academic arrangements;
- Modification of work arrangements and/or scheduling;
- Campus escorts and/or changes to campus transportation arrangements;
- "No Contact Orders";
- Orders barring responding parties from campus or facilities or from use of the institutional server; and/or
- Assistance with seeking medical care, seeking civil protective orders, or filing reports with law enforcement.

Different procedures, interim measures, and interim resources may be utilized and appropriate depending upon the constituency (student, staff, or faculty) of the alleged Responding Party. For instance, where the alleged Responding Party is a student or student organization and considered a threat to persons or property, the Dean of Students may impose interim measures such as suspension and/or loss/cancellation of other privileges prior to or during an investigation and determination. Similarly, where the Responding Party is a staff or faculty member, ICSW may impose interim measures such as temporary suspension from employment or paid or unpaid leave.

Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of ICSW to provide the interim measures. ICSW will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims by ICSW and in the community. Students and employees also will be provided with written information about options for requesting changes to academic, living, transportation, and working situations or protective measures, as well as a copy of ICSW's sexual misconduct policy and complaint resolution procedures. They will also be informed that ICSW shall make such accommodations or provide such protective measures if the victim requests them and if the accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Violation(s) of a directive and/or protective action issued as an interim measure may result in disciplinary action separate from any sanctions issued for a determination of sexual misconduct and may form the basis for discipline, including dismissal from the Institute or non-renewal of a faculty contract.

D. Advisors. The Reporting Party and Responding Party are both entitled to bring an advisor of their choice, at their expense, to any meeting or interview in connection with a complaint of sexual misconduct. The advisor may be a friend, professor, mentor, family member, attorney, or any other supporter a party chooses to advise them, except that individuals who will be serving as witnesses may not serve as advisors.

- ICSW cannot guarantee equal advisory rights, meaning that if one party selects an attorney as an advisor, but the other party does not, or cannot afford an attorney, ICSW is not obligated to provide one. However, the role of the advisor is for support only and therefore, non-participatory. In other words, the advisor may not speak for the Reporting Party or Responding Party nor draft any statements on their behalf. An advisor who disrupts or otherwise fails to observe the limits of the advisor role will be asked to leave the meeting, and the meeting will continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated or replaced.
- Both parties shall receive timely written notification of meetings at which they are required to be present. Therefore, ICSW reserves the right to proceed with a pre-arranged meeting or interview regardless of the advisor's availability. Advisors are expected to maintain the privacy of any records shared with them during the process. Such records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by ICSW. ICSW may seek to restrict the role of any advisor who fails to abide by these privacy expectations.

E. Informal Resolution. Where appropriate, ICSW will work to informally resolve complaints by taking immediate and corrective action to stop the sexual misconduct, address its effects, and prevent recurrence without a formal investigation and determination of Policy violation. Informal resolution may include the range of interim measures set forth 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 this Policy. In some circumstances, mediation or joint conflict resolution may be appropriate; however, mediation or face to face meetings will not be used to resolve allegations of non-consensual intercourse or contact or other sexual violence. Participation in informal resolution is entirely voluntary and either party can request to end informal resolution and initiate the formal resolution process at any time.

F. Formal Resolution.

- 1. Investigation.** When a complaint cannot be resolved through the informal resolution process, a formal resolution will be initiated. Formal resolution includes a prompt, thorough, impartial and fair investigation:

 - In most instances, the investigation shall be conducted by the Title IX Coordinator and takes between 20-40 calendar days. Should the Title IX Coordinator have a conflict or it is otherwise determined appropriate, the investigation will be assigned (by the Dean of Students, in the case of a complaint against a student, or by the President, in the case of a complaint against a faculty or staff member) to an appropriate alternate investigator who has received training regarding the investigation of, and other issues relevant to, non-consensual sexual intercourse and contact, sexual exploitation, domestic and dating violence, stalking, and other misconduct covered by this Policy, including on how to conduct an investigation that protects the safety of victims and promotes accountability, and who does not have a conflict of interest or bias. Parties will be notified, in writing, should the time line need to be extended to accommodate the investigation.
 - Investigations may include one or more interviews with the Reporting Party, Responding Party, and any other witnesses deemed by the Title IX Coordinator (or other investigator) to have potentially relevant information. Investigations may also include the gathering of physical, documentary and/or other relevant evidence. Additionally, Reporting Parties and Responding Parties may provide written statements, identify and/or present statements from fact witnesses, or submit any other evidence that the Title IX Coordinator (or other Investigator) deems relevant. Reporting and Responding Parties may have advisors present when interviewed and at any other meetings with the investigator or ICSW that occur during the investigation. Timely notice shall be provided to Reporting Parties and Responding Parties of all meetings at which they may be present, and both parties will be provided with timely and equal access to information.
 - If at any point during the investigation it is determined there is no reasonable cause to believe that ICSW policy has been violated, the Title IX Coordinator has authority to terminate the investigation and close the case with no further action.
- 2. Prior Sexual History.** In general, a Party's prior sexual history is not relevant and will not be admitted as evidence during an investigation. However, where there is a current or ongoing relationship between the Reporting Party and the Responding Party, and the Responding Party alleges that consent

was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in this Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is insufficient to constitute consent. Any prior sexual history of the Reporting Party with other individuals is typically not relevant and will not be permitted except under very limited exceptions.

- In gathering the facts, the Title IX Coordinator (or other Investigator) may consider prior or subsequent allegations of, or findings of responsibility for, similar conduct by the Responding Party only to the extent such information is relevant.

3. Investigative Report. After the investigation has been completed, the Title IX Coordinator (or other Investigator) will prepare a final Investigative Report:

- The report will summarize the evidence collected and analyze the relevant facts determined through the Investigation, referencing any supporting documentation or statements. The final Investigative Report will include summaries of interviews with the Reporting Party, Responding Party, third-party witnesses, and any other individuals with relevant information and will also include credibility assessments as appropriate. Additionally, if such information is available and relevant, the Investigative Report shall include photographs, physical evidence, electronic records, and/or forensic evidence.
- Before the report is finalized and a determination of responsibility has been made, the Title IX Coordinator shall forward to each party a summary of the party's own interview(s) for review. The Reporting Party and Responding Party may submit any additional comments, evidence, or suggested factual correction to the Title IX Coordinator (or other Investigator) within three (3) business days of the date on which they were provided with their interview summaries. Both Parties will also be provided an opportunity to comment in writing on the investigator's preliminary findings prior to final action upon an investigation report.
- Upon receipt of any additional information or written comments by the Reporting Party and/or Responding Party, or after the three (3) day period has lapsed without comment, the Title IX Coordinator (or other Investigator) will incorporate any additional information and make one or more findings, incorporated into the final Investigation Report, as to whether there is sufficient information to substantiate by a preponderance of the evidence that a Policy violation has occurred. The

final Investigative Report will include the determination of responsibility and the rationale for such determination, and these findings shall be reported to the Reporting Party and Responding Party simultaneously. If a finding of Policy violation is made, the report shall also be forwarded to the designated Institute sanctioning official, as set forth in subsection G below, for further proceedings or issuance of sanctions.

4. Standard of Proof. The Investigator will determine whether the Responding Party committed a violation of this Policy by a preponderance of the evidence standard. A preponderance of the evidence means whether the information provided during the investigation supports a finding that it is "more likely than not" that the Responding Party violated this Policy.

G. Sanctions and Remedies. If the Investigator finds, based on a preponderance of the evidence, that the Responding Party violated this Policy, the final Investigative Report will be forwarded to the appropriate sanctioning official for determination of sanction or further proceedings as set forth below. Each designated sanctioning official shall receive annual training regarding issues related to sexual misconduct as defined in this Policy, as well as sanctioning guidelines consistent with relevant federal law and regulation.

- When the Responding Party is a student, the Dean of Students or designate will determine the appropriate sanction and any other corrective actions.
- When the Responding Party is a faculty member, the Dean of Academic Affairs or designate will determine the appropriate sanction and any other corrective actions.
- When the Responding Party is a staff member, the appropriate sanction and any other corrective actions will be determined by the Vice President, Finance and Operations.

The disciplinary sanctions for sexual misconduct include:

- verbal or written warning
- mandatory educational programming
- community service
- probation
- "no-contact" orders; orders barring individual from trespassing upon buildings or ICSW's server or facilities
- removal from programs/activities/leadership positions
- reduction in salary or rank

- suspension from school or employment (with or without pay, in the case of employees)
- dismissal, non-renewal, or other separation from studies or employment at ICSW

Additional corrective actions may also include those accommodations set forth in the Interim Measures Section (Subsection C above) and other broad-based remedial action.

Not all forms of sexual misconduct are equally serious offenses. Therefore, the designated sanctioning official may impose whatever sanction from the above list he or she believes is fair and proportionate to the finding of sexual misconduct, and may consider any record of past violations of this Policy, as well as the nature and severity of such past violation(s), when making a determination of sanctions. The sanctioning official shall also determine whether the sanction shall be implemented immediately or will be stayed if a party appeals the determination.

Within five (5) days after receiving the Investigative Report, the sanctioning official will notify both parties simultaneously, in writing, the sanctions issued, the date the sanctions shall be implemented, and relevant information regarding the appeals process. The sanctioning official will also provide a copy of the sanction notice to the Title IX Coordinator.

H. Withdrawal or Resignation While Charges Are Pending. Student/Responding Parties with cases pending under this Policy may not withdraw during a proceeding and remain in good standing with ICSW. Rather, should a Student/Responding Party decide to withdraw from ICSW and not participate in the investigation and other portions of the procedures set forth herein, the investigation process will nonetheless proceed in the Student/Responding Party's absence, an adverse inference may be drawn from the Party's non-cooperation, and the Student/Responding Party will not be permitted to return to ICSW or regain good standing until any sanctions issued and other appropriate conditions have been satisfied. Likewise, should an employee or faculty member resign during an investigation into his or her conduct and decline to cooperate, the investigation process will be completed nonetheless, an adverse inference may be drawn, and the employee may be barred from further ICSW employment or from the premises pending resolution of the investigation and satisfaction of any sanctions and other appropriate conditions.

I. Responding Party Failure to Complete Sanctions. Student-Responding Parties who fail to complete assigned sanctions may be placed on academic hold and prohibited from registering for classes, acquiring transcripts, accessing student accounts, and obtaining grade reviews. Employees who fail to complete sanctions are subject to

additional discipline, up to and including separation from employment or non-renewal of faculty position.

J. Appeals. Either party may appeal the final Investigative Report determination and/or the sanctions issued by the designated sanctioning official by submitted a written request for appeal, with supporting documentation, to the President of ICSW, Michelle Taylor (contact information: 312-935-4240; mtaylor@icsw.edu), within five (5) calendar days of the date of the appealing party's receipt of the final Investigative Report or Notice of Sanctions, whichever is later. Appeals will only be considered on the following three grounds:

- *The existence of procedural error(s) significant enough to alter the outcome;*
- *Existence of new and significant evidence which was not reasonably available at the time of the initial investigation and would likely alter the outcome; and/or*
- *The sanctions imposed are substantially disproportionate to the violation.*

Mere disagreement with the investigation findings is not a basis for appeal.

Within three (3) calendar days of receiving a request for appeal, the President or designate will notify the parties in writing about the filing of the appeal and also about whether the notice provides adequate grounds for appeal under this Policy.

If the President or designate decides to consider the appeal, the party who did not initiate the appeal will have five (5) calendar days from the date of notification to submit a written response (and relevant supporting documentation) to the appeal. The President or designate may request other information from the parties and may also consider other information or materials. If the President or designate considers anything that may affect the outcome of the appeal but to which the parties have not had access, the parties will first be provided access and an opportunity to comment in writing upon the additional information.

In any request for an appeal, the burden to demonstrate procedural error, new evidence or disproportionate sanctions lies with the party requesting the appeal. The President or designate may resolve a request for appeal as follows:

- *Deny consideration of the appeal because the reason for appeal does not fall within the three stated grounds for appeal;*
- *Uphold the original finding and/or sanction;*
- *Remand the case to the original investigator for consideration of new evidence and issuance of a new determination;*

- *Appoint a new investigator where significant procedural error may have occurred during the course of the original investigation; or*
- *Refer the case back to the sanctioning official for reconsideration of the sanction (with or without recommendations).*

The President or designate will make a determination on appeal within ten (10) calendar days of receipt of the appeal materials, including the response of the non-appealing Party and will notify the parties simultaneously in writing of the outcome of the appeal within three (3) calendar days of the date of that determination. In extraordinary circumstances, the timelines set forth in this appeal subsection may be extended by the Title IX Coordinator for good cause. Appeal decisions are final.

Those ICSW personnel involved directly in the investigation and appeal process shall receive training regarding issues related to sexual misconduct as defined by this Policy and guidance for conducting investigations and appeals in a way that protects the rights of all parties and promotes institutional accountability.

K. Conflict of Interest. ICSW requires employees participating in the investigation, sanctioning, or appeal processes to disclose any potential or actual conflict of interest. If a Reporting Party or Responding Party believes that any individual involved in the process has a conflict of interest and should not participate, he or she should communicate this concern in writing to the Title IX Coordinator (or, if the Title IX Coordinator is the individual believed to have a conflict, to the Dean of Students or Vice President, Finance and Operations). Where a party believes that the party believes that the sanctioning official has a conflict of interest, a written request to replace the sanctioning official shall be made to the President of ICSW.

In all cases, requests to replace an individual due to conflict of interest must be submitted within three days (3) of a party's notice of the conflicted individual's participation. The written request must include a description of the conflict. If it is determined that a conflict of interest exists, ICSW will address the conflict to ensure an impartial process.

L. Non-Disclosure Agreements. ICSW will not require nondisclosure agreements, in writing or otherwise, that would prevent Parties from re-disclosing information related to the outcome of the proceeding or from reporting concerns to an external agency. ICSW will, however, take all reasonable steps to ensure that the Institute itself maintains appropriate confidentiality of investigations and appeals, which ICSW believes to be most conducive to prompt and equitable resolution of complaints and therefore in the best interests of the ICSW campus community.