



Policy on Sexual Misconduct

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This document sets forth The Chicago School of Professional Psychology's policy on sexual misconduct and outlines the institution's prohibitions against sexual misconduct, definitions of relevant terms, reporting and response procedures, and the rights and responsibilities of members of The Chicago School of Professional Psychology Community who are impacted by sexual misconduct in relation to our academic and work environment.

Questions about Title IX, the Campus SaVE Act, and this policy may be directed to:

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Community members may also direct questions about Title IX and the Campus SaVE Act to:

United States Department of Education Office of Civil Rights (OCR)

Customer Service Hotline: 800-421-3481

Website: www.ed.gov/ocr

E-mail: ocr@ed.gov

400 Maryland Avenue SW, Washington, DC 20202-1100

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I. POLICY SUMMARY

The Chicago School of Professional Psychology (TCSPP) is committed to creating and maintaining a safe learning and working environment that is free of unlawful discrimination, harassment, exploitation, or intimidation. As such, TCSPP prohibits sexual misconduct in all forms, including but not limited to sexual harassment and sexual violence. TCSPP will respond promptly and effectively to reports of sexual misconduct, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior in violation of this Policy.

TCSPP also bars retaliation against any employee, student, or applicant who files a good faith report of sexual misconduct or otherwise participates in the complaint resolution procedures relating to the same.

II. POLICY SCOPE

A. Applicability

This policy applies to all employees, students, and other TCSPP Community Members, regardless of sex, gender identity, or sexual orientation. TCSPP has jurisdiction to investigate conduct occurring on TCSPP's campuses, in connection with its educational programs, activities, and services, or that puts TCSPP Community Members at risk of serious harm or otherwise creates a hostile learning and/or working environment.

B. Consensual Relationships

This policy covers unwelcome conduct that is sexual in nature. While romantic relationships between TCSPP Community Members may begin as consensual, it is possible that they may evolve into situations that lead to misconduct in violation of this policy.

Consensual personal relationships between TCSPP Community Members are subject to other policies and ethical considerations, including but not limited to those contained in the Faculty and Staff Handbook, where applicable.

III. DEFINITIONS

At TCSPP, consent is informed, voluntary, and revocable. Consent cannot be given when a person is incapacitated.

Consent is *informed*. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is *revocable*. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual

consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately. Any condition on consent imposed by a consenting party must be respected, or the interaction may not be considered consensual.

Consent cannot be given when a person is *incapacitated*. A person cannot consent if s/he is asleep, unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if their understanding of the act is affected by a physical or mental impairment. A person cannot consent if the person is incapacitated due to the use of or influence of alcohol or drugs.

In California, consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Neither lack of protest or resistance nor silence means consent has been given. Affirmative consent must be ongoing throughout sexual activity, and consent can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never alone be assumed to be an indicator of consent.

It shall not be a valid excuse to alleged lack of affirmative consent that the responding party believed that the reporting party consented to the sexual activity under either of the following circumstances:

- (A) The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- (B) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the reporting party affirmatively consented.

It shall not be a valid excuse that the responding party believed that the reporting party affirmatively consented to the sexual activity if the responding party knew or reasonably should have known that the reporting party was unable to consent to the sexual activity under any of the following circumstances:

- (A) The reporting party was asleep or unconscious.
- (B) The reporting party was incapacitated due to the influence of drugs, alcohol, or medication so that the reporting party could not understand the fact, nature, or extent of the sexual activity.
- (C) The reporting party was unable to communicate due to a mental or physical condition.

In Illinois, consent means a freely given agreement to the act of sexual penetration or sexual conduct ("sexual activity") in question. Lack of verbal or physical resistance or submission by the reporting party resulting from the use of force or threat of force by the responding party shall not constitute consent. The manner of dress of the reporting party at the time of the offense shall not constitute consent.

A person who initially consents to sexual activity is not deemed to have consented to any sexual activity that occurs after they withdraw consent during the course of that sexual activity. Further, a person's consent to past sexual activity does not constitute consent to future sexual activity. A

person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent if a person is under the age of 18. 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 the circumstances, including but not limited to the following: the person is incapacitated due to the use or influence of alcohol or drugs; the person is asleep or unconscious; or the person is incapacitated due to mental disability.

In Washington, D.C., consent means words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the reporting party, resulting from the use of force, threats, or coercion by the responding party shall not constitute consent.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It includes sexual or physical abuse or the threat of such abuse. It does not include acts covered under domestic violence.

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

Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include but are not limited to unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the responding party knew, or whether a reasonable person should have known, that the reporting party was incapacitated.

Reporting Party is an individual who reportedly experienced conduct in violation of this policy, regardless of whether that individual participates in the disclosure or review of such a report by TCSP at any point.

Responsible Employee(s) are TCSP employees who have the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

Sexual Assault occurs when sexual activity is engaged without the consent of one party or when one party is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other

person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication).

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education, interferes with a person's work or educational performance, or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive. Sexual harassment includes sexual violence (see definition below).

Sexual harassment may include incidents between any TCSPP Community Members, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in TCSPP programs (e.g., vendors, contractors, visitors, and clients). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

A hostile environment is created when sexual harassment is sufficiently severe or persistent or pervasive and objectively offensive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational and/or employment programs.

Sexual Misconduct includes but is not limited to sexual harassment and sexual violence, including forcible and non-forcible sex offenses, sexual assault, domestic violence, dating violence, or stalking, as defined herein.

Sexual Violence is defined as physical sexual acts engaged without the consent of one party or when one party is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of their safety or the safety of others, or that would cause a reasonable person to suffer substantial emotional distress.

TCSPP Community Members/Community includes all students, faculty, staff, vendors, contractors, community partners, and visitors.

IV. REPORTING SEXUAL MISCONDUCT

A. Making a Report

TCSPP Community Members who have experienced sexual misconduct or are aware of incidents of sexual misconduct experienced by other TCSPP Community Members should make an immediate report to the local police department and should seek medical attention. For information about how to make a report to local law enforcement or campus security or law enforcement for a specific TCSPP location, click [here](#). The nearest medical facility for each campus is located [here](#).

Note that seeking medical attention is necessary to mitigate the risk of sexually transmitted diseases, pregnancy, and to determine the existence or extent of and to treat any physical injury.

Additionally, forensic evidence can be collected if criminal action is or may be desired in the future. Note that it is important to preserve evidence as it may be necessary to provide proof of criminal activity or in obtaining a protective order. Evidence is best collected as soon as possible or within 96 hours of an assault. Assistance with evidence preservation can be provided by medical and/or law enforcement personnel. Note that federal law requires that a medical forensic examination be provided free of charge to a person who has been the victim of sexual violence.

Reporting sexual assault, domestic violence, dating violence, and stalking to the police does not commit the reporting party to further legal action. However, the earlier an incident is reported, the easier it will be for law enforcement to investigate if the reporting party decides to proceed with criminal charges.

Additionally, TCSPP Community Members should report incidents of sexual misconduct to TCSPP's Title IX Coordinator. The Title IX Coordinator is:

Jennifer Stripe Portillo
Dean for Student Success
E-mail: titleIX@thechicagoschool.edu
Phone: (213) 615-7264

TCSPP Community Members may also report incidents by submitting an online [Incident Report](#).

A reporting party is not required to report to law enforcement in order to receive assistance from or pursue any options within TCSPP. A reporting party has the option to notify law enforcement authorities, to receive assistance from TCSPP in notifying such authorities, or to decline to notify law enforcement authorities. Also, a reporting party may file both a criminal complaint and a Title IX report.

B. Options for Reporting and Confidentially Disclosing Sexual Misconduct

TCSPP encourages those who have experienced sexual misconduct to talk to someone about what happened so that they may get the support they need and so that TCSPP may respond appropriately.

This section is intended to make TCSPP Community Members aware of the various reporting and confidential disclosure options available so that they may make informed choices about where to turn should they desire to report sexual misconduct. TCSPP encourages those impacted by sexual misconduct to talk to someone identified in one or more of these groups. Individuals may report to TCSPP ("on campus"), to off campus sources such as law enforcement or medical professionals ("off campus") or to confidential resources. Each of these three categories (on campus, off campus and confidential resources) have different reporting obligations, ability to protect student privacy, and ability to have confidential communications, as explained in more detail below.

While TCSPP Community Members are encouraged to use their own judgment in terms of whom they chose to discuss reports of sexual misconduct with, they must also understand that TCSPP can only investigate and respond to incidents of sexual misconduct that it becomes aware of. A reporting party who at first requests confidentiality may later decide to file a complaint with TCSPP or report the incident to local law enforcement, and thus have the incident fully investigated.

1. The Options

a. Privileged and Confidential Communications¹

Professional counselors and pastoral counselors who are not employed by TCSPP are not required to report any information about an incident to TCSPP's Title IX Coordinator without a reporting party's permission.

In addition to the variety of professional counselors and pastoral counselors located near each TCSPP campus, TCSPP offers as a benefit to its students and employees the following resources that provide professional counseling services:

- **Student Solutions**: Student Solutions is a free, confidential, around-the-clock counseling service available to all TCSPP students.
855.460.6668
www.guidanceresources.com
Web identifier: TCSPP
- **Employee Assistance Program (EAP)**: TCSPP employees may receive counseling services through the EAP, which is available 24 hours per day, 7 days per week.
800.272.7255
www.guidanceresources.com
Web identifier: COM589

Counselors who provide services to TCSPP Community Members through Student Solutions or the EAP are not required to disclose reports of sexual misconduct to TCSPP's Title IX Coordinator. While professional and non-professional counselors and advocates may maintain a reporting party's confidentiality vis-à-vis TCSPP, they may have reporting or other obligations under state law. A reporting party should ask the counselor to explain their ability to protect the student's privacy and to maintain confidential communications.

ILLINOIS

In Illinois, TCSPP Community Members, including a reporting party, may contact a confidential advisor, who is not a Responsible Employee, as defined below. Counselors at the YWCA Metropolitan Chicago are confidential advisors for Illinois students. YWCA is a community-based sexual assault crisis center and it offers free, confidential services that are available 24 hours per day, 7 days per week. To obtain a confidential advisor, call the hotline at 888.293.2080, identify yourself as a member of the TCSPP Community, and ask for a confidential advisor.

All communications between a confidential advisor and a reporting party pertaining to an incident of sexual misconduct, including all records kept by the confidential advisor in the course of providing the reporting party with services related to the incident of sexual misconduct, shall remain confidential unless (1) the reporting party provides written consent for the disclosure of the communications; (2) failure to disclose would result in a clear, imminent risk of serious physical injury to or death of the reporting party or another person; or (3) failure to disclose would violate state or federal law.

¹ TCSPP does not employ professional counselors or pastoral counselors to provide on-campus mental health counseling and related services to members of the TCSPP Community. TCSPP faculty and staff who are licensed as counselors are not employed by TCSPP in such a capacity. As such, communications with TCSPP faculty and staff are not privileged or confidential. In addition, faculty and staff who are licensed to provide mental health counseling and related services may have reporting or other obligations under state law.

Counselors from YWCA Metropolitan Chicago who provide services to TCSPP Community Members are not required to disclose reports of sexual misconduct to TCSPP's Title IX Coordinator except to provide monthly reports of the number and type of incidents of sexual violence reported exclusively to the confidential advisor. Such reports shall not contain any confidential information, including any personally identifiable information.

b. Reporting to Responsible Employees

A Responsible Employee is a TCSPP employee who has the authority to redress sexual misconduct, who has the duty to report incidents of sexual misconduct or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a reporting party tells a Responsible Employee about an incident of sexual misconduct, the reporting party has the right to expect TCSPP to take immediate and appropriate steps to investigate the allegations and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the reporting party and that TCSPP will need in order to determine what happened including the name(s) of the reporting party(s) and alleged responding party(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling TCSPP's response to the report. A Responsible Employee should not share information with law enforcement without the reporting party's consent or unless the reporting party has also reported the incident to law enforcement.

The following employees (or categories of employees) are TCSPP's Responsible Employees:

- Title IX Coordinator
- Deputy Title IX Coordinators
- President, Vice Presidents, Associate and Assistant Vice Presidents
- Deans
- Student Success Employees
- Student Support Counseling Employees
- Applied Professional Practice Employees
- Human Resources Employees
- Department Chairs
- Directors
- Department Managers

Before a reporting party reveals any information to a Responsible Employee, the Responsible Employee should ensure that the reporting party understands the employee's reporting obligations and should inform the reporting party that they have the right to request confidentiality that the Title IX Coordinator will consider. If the reporting party wants to maintain confidentiality, they should be directed to confidential resources.

If the reporting party wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the reporting party that TCSPP will consider the request, but cannot guarantee that it will be honored. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the reporting party's request for confidentiality.

Responsible Employees will not pressure a reporting party to request confidentiality, but will honor and support the reporting party's wishes, including for TCSPP to fully investigate an incident. By the same token, Responsible Employees will not pressure a reporting party to make a full report if the reporting party is not ready to do so.

c. Reporting to Law Enforcement

TCSPP Community Members may report to law enforcement officials and may pursue the filing of a criminal complaint. An individual considering making a criminal complaint who has questions or concerns about confidentiality is encouraged to contact their local law enforcement agency to obtain additional information about the agency's reporting obligations to other entities, its ability to protect an individual's privacy and its ability to have confidential communications during the criminal complaint process.

d. Reporting to Medical Professionals

TCSPP Community Members may make a report to medical professionals. Medical professionals may be covered by federal and/or state privacy laws, such as HIPAA. In addition, under state law, medical professionals may be required to alert police when it reasonably appears that the individual requesting 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 they want to speak to the police.

e. Reporting Online, Anonymously, and Confidentially

TCSPP Community Members, including bystanders, and third parties may submit a report electronically using the [Incident Report](#) form.

2. How TCSPP Will Weigh and Respond to Requests for Confidentiality

If a reporting party discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, TCSPP must weigh that request against TCSPP's obligation to provide a safe, non-discriminatory environment for all students, including the reporting party.

If TCSPP honors the request for confidentiality, the reporting party must understand that TCSPP's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged responding party(s) may be limited. There may be times when TCSPP may not be able to honor a reporting party's request in order to provide a safe, non-discriminatory environment for all students.

TCSPP has designated the Title IX Coordinator to evaluate requests for confidentiality once a Responsible Employee is on notice of alleged sexual misconduct.

When weighing a reporting party's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including but not limited to the following:

- whether there is increased risk that the alleged responding party will commit additional acts of sexual or other misconduct, such as:
 - whether there have been other sexual misconduct complaints about the same alleged responding party;
 - whether the alleged responding party has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged responding party threatened further sexual misconduct or other violence against the reporting party or others;
 - whether the sexual misconduct was committed by multiple responding parties;
- whether the sexual misconduct was perpetrated with a weapon;
- whether the reporting party is a minor;
- whether TCSPP possesses other means to obtain relevant evidence of the sexual misconduct, e.g. security cameras or personnel, physical evidence; 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 TCSPP to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, TCSPP will likely respect the reporting party's request for confidentiality.

If TCSPP determines that it cannot maintain a reporting party's confidentiality, TCSPP will inform the reporting party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling TCSPP's response.

TCSPP will remain ever mindful of the reporting party's well-being, and will take ongoing steps to protect the reporting party from retaliation or harm and work with the reporting party to create a safety plan. A reporting party will be notified that retaliation whether by students, employees, or other TCSPP Community Members will not be tolerated. Retaliatory actions may include intimidation, threats, or coercion. An individual who engages in retaliation will be subject to disciplinary sanctions which may include any of the sanctions listed below in Section VI.A, and TCSPP will take strong responsive action. TCSPP will also:

- assist the reporting party in accessing advocacy, academic support, counseling, disability, health, or mental health services, and legal assistance both on and off campus;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living, dining, transportation or working arrangements or course schedules (including for the alleged responding party pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the reporting party of the right to report a crime to campus or local law enforcement, and provide the reporting party with assistance if the reporting party wishes to do so.

TCSPP will not require a reporting party to participate in any investigation or disciplinary proceeding. For any proceedings or meetings that are held to resolve complaints of alleged student violations of this policy, TCSPP will take steps to protect the privacy of the parties and witnesses.

Because TCSPP is under a continuing obligation to address the issue of sexual misconduct across the institution, reports of sexual misconduct (including non-identifying reports) will also

prompt TCSPP to consider broader remedial action such as increased monitoring, supervision, or security at locations where the reported sexual misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments surveys; and/or revisiting its policies and practices.

If TCSPP determines that an alleged responding party poses a serious and immediate threat to the TCSPP Community, Campus Security Authorities may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the reporting party.

If TCSPP determines that it can respect a reporting party's request for confidentiality, TCSPP will also take immediate action as necessary to protect and assist the reporting party.

3. Amnesty for Sexual Misconduct Reporting Parties and Witnesses

TCSPP encourages reporting of sexual misconduct and seeks to remove barriers to a student making a report. TCSPP has an obligation to provide this amnesty provision which provides immunity for any student who makes a good-faith report of an alleged violation of this policy to a Responsible Employee either as a reporting party or a third-party witness. The reporting student will not be subject to a disciplinary process or sanction for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violation of the student conduct code was not egregious and did not place the health or safety of any other person at risk.

However, TCSPP may initiate a discussion or pursue other interventions regarding alcohol or other drugs. Amnesty will not be extended for any violations of TCSPP's policies other than those regarding alcohol and drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

C. TCSPP's External Reporting Obligations

1. Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes under the Clery Act. All personally identifiable information is kept confidential, but statistical information must be passed along to campus security authorities regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, thereby ensuring greater community safety.

Mandated federal reporters include: student/conduct affairs, local police, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This reporting protects the identity of the reporting party and may be done anonymously.

2. Federal Timely Warning Reporting Obligations

Those impacted by sexual misconduct should be aware that Campus Security Authorities must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. TCSPP will not identify the reporting party in making such reports.

V. TCSPP'S RESPONSE PROCEDURES

Upon receiving a report of sexual misconduct, TCSPP will respond by providing the reporting party with supportive resources and interim interventions, where appropriate, and conducting a prompt, fair, and impartial investigation by a trained official. The response and investigation procedures are designed to provide a supportive process for those who report sexual misconduct as well as fairness and due process for the alleged responding party. A reporting party who alleges a violation of this policy has the right to request that the complaint resolution procedure begin promptly and proceed in a timely manner.

TCSPP is obligated to provide a reporting party with concise information, written in plain language, concerning the reporting party's rights and options, upon receiving a report of a violation of this policy. The Statement of Rights and Options is found on [myChicagoSchool](#).

TCSPP will not disclose the identity of the reporting party or the responding party, except as necessary to resolve the complaint or to implement interim protective measures and accommodations, or as provided by state or federal law. In order to complete the investigation, TCSPP will need to share the names of the reporting party and responding party, as well as witnesses and others, on an as-needed basis.

A. Services

Upon notice of possible sexual misconduct within the scope of this policy, TCSPP will provide the reporting party with information about local, state, and national resources and other supports relevant to sexual misconduct. TCSPP will also provide the reporting party with information about the importance of preserving evidence and the availability of a free medical forensic examination service and will assist the reporting party in notifying law enforcement, including local police, if the reporting party elects to do so. If requested, other participants in the process (such as a reporter or witness) may also be offered appropriate support services and information. Please review [myChicagoSchool](#) for specific information about local resources and supports that may be available to assist TCSPP Community Members.

B. Interim Interventions

During an investigation, interim protections and accommodations for both the reporting party and the responding party may be put in place, regardless of whether the incident is reported to local law enforcement. If requested and reasonably available, interim protections may include changes to academic, living, dining, transportation and/or work situations. In addition, TCSPP will provide assistance, if requested, about obtaining and enforcing campus no contact orders, and will honor an order of protection or no contact order entered by a state civil or criminal court. The Title IX Coordinator shall review all requested interim protections and accommodations, shall determine what is available and appropriate and shall notify the party requesting the interim protection or accommodation of the determination. Such interventions may be kept in place until the conclusion of the Title IX investigation and the sanctioning and appeal processes.

C. Options for Resolution

1. Informal Resolution

TCSPP recognizes that in certain circumstances, informal resolution of a report of sexual misconduct may be beneficial to the reporting party, the responding party, other involved parties, and/or the TCSPP Community at large. Whether a report of sexual misconduct is appropriate for informal resolution is within the discretion of the Title IX Coordinator. However, reports of sexual assault will never be resolved informally.

In circumstances where informal resolution is appropriate, and with the consent of both the reporting party and the responding party, TCSPP may utilize informal methods to resolve a report of sexual misconduct. This consent may be withdrawn at any time during the investigation and/or sanctioning process.

2. Decision to Formally Investigate

When the Title IX Coordinator determines that informal resolution is not appropriate or formal resolution is requested by either the reporting party or responding party, TCSPP will launch an investigation.

In circumstances where a reporting party requests confidentiality or asks that TCSPP not pursue investigation into a report of sexual misconduct, the Title IX Coordinator will determine whether the reporting party's request can be honored. In making such a determination, the Title IX Coordinator will consider the following:

- The seriousness of the sexual misconduct as reported;
- The reporting party's age;
- Whether there have been other reports of sexual misconduct about the same responding party;
- The responding party's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.1.

While TCSPP will always seek to obtain the consent of the reporting party prior to pursuing a formal investigation, the final decision as to whether to investigate a report of sexual misconduct lies with the Title IX Coordinator.

D. Investigation

Once the Title IX Coordinator determines that a formal investigation is appropriate, an individual who has been trained to investigate reports of sexual misconduct, e.g. the Title IX Coordinator, Deputy Title IX Coordinator, or other designee approved by the National President will conduct a thorough and impartial investigation. The reporting party and responding party will receive written notice of the individual who will make the finding or impose a sanction before the individual makes contact with either the reporting party or responding party and will have an opportunity to request a substitution if the participation of the individual named poses a conflict of interest.

Typically, an investigation into a report of sexual misconduct will include a period of fact-finding led by the Title IX Coordinator, during which time the reporting party, responding party, and other relevant parties will be given the opportunity to participate in the investigation by sharing information. The assigned investigator will interview the reporting party; identify and locate witnesses, if any; contact and interview the responding party; and contact and cooperate with law enforcement, when applicable. Parties participating in an investigation will have the opportunity to submit a written statement, provide supporting materials, and identify witnesses. Should a responding party refuse either explicitly or implicitly to participate, the investigation will proceed. At the discretion of the assigned investigator, the reporting party and responding party may suggest questions to be posed by the investigator to the other party. No audio or video recording of any interviews, meetings or proceedings is permitted by the parties.

The reporting party and responding party are entitled to have a support person of their choosing accompany them to any meeting or proceeding related to any alleged violation of this policy, provided that the involvement of the support person does not result in undue delay of any meeting or proceeding. The support person is present to provide support to the reporting party or responding party during any meetings or proceedings and can provide any advice to the reporting party or responding party prior to such meetings or proceedings. The reporting party and responding party are required to notify the investigator of the identity of the support person that they decide to bring to any meeting at least 48 hours before the meeting.

All support persons are subject to the same rules, whether or not they are attorneys. A support person may not communicate with an investigator on behalf of the reporting party or the responding party. If the support person is an attorney, the attorney is required to act in a supportive role and may not serve as an advocate or formally represent the party. A support person who steps out of their role in any meeting or proceeding will be warned once and only once. If the support person continues to disrupt or otherwise fails to respect the limits of their role, the support person will be asked to leave the meeting. When the support person is removed from a meeting, that meeting will typically continue without the support person present. Subsequently, the investigator will determine whether the support person may be reinstated, may be replaced by another support person, or whether the party will forfeit the right to a support person for the remainder of the process.

TCSPS expects that the parties will wish to share documentation related to the allegations with their support persons. TCSPS will provide a consent form that authorizes such sharing to be signed by the support person at the meeting. The consent form must be completed before any records will be shared. Support persons are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by TCSPS. TCSPS may seek to restrict the role of any support person who does not respect the sensitive nature of the process or who fails to abide by TCSPS's privacy expectations.

TCSPS investigates reports of sexual misconduct independently of local law enforcement.

Absent delay to allow police to gather evidence or agreement by the parties, TCSPS will make every reasonable effort to investigate and reach a resolution on all reports of sexual misconduct within sixty (60) calendar days after the Title IX Coordinator's receipt of a report.

Because this procedure is an institutional process and not a judicial one, the presence of legal counsel other than as a support person for a reporting party or responding party, is prohibited.

E. Withdrawal or Resignation While Investigation is Pending

Students: TCSPS does not permit a responding party who is a student to withdraw if that student has an allegation pending for violation of this policy, without the express written permission of the Title IX Coordinator. Should a student decide to leave and/or not participate in the investigation or resolution, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to TCSPS unless all sanctions have

been satisfied. The student will have a hold placed on their account until the allegations have been resolved.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any TCSPP responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

F. Standard of Proof

In investigating and determining whether a violation of this policy has occurred, the Title IX Coordinator will utilize the “preponderance of the evidence” standard of proof. This means that Title IX Coordinator will determine whether it is “more likely that not” that sexual misconduct occurred.

G. Investigation Findings and Outcome Notification

Prior to concluding an investigation into sexual misconduct, the Title IX Coordinator will provide both the reporting party and responding party an opportunity to review their own statement. Both the reporting party and the responding party will be permitted five (5) calendar days to submit any inaccuracies or further evidence to the Title IX Coordinator. After five (5) calendar days have passed, the Title IX Coordinator will address any inaccuracies and/or further evidence submitted by the parties, and make a determination as to whether a violation of this policy occurred.

Both parties to complaint of sexual misconduct will be updated as to the status of the investigation and related proceedings upon request.

Once the investigation has concluded, TCSPP will simultaneously issue written findings to both the reporting party and the responding party.

Upon finding that sexual misconduct occurred, the Title IX Coordinator will commence the sanctioning process for review and determination of appropriate sanctions.

In addition to sanctions, the Title IX Coordinator may also recommend that TCSPP or particular TCSPP Community Members take on additional measures to remediate and/or prevent the hostile environment and other conduct in violation of this policy, and to remedy the effects of the sexual misconduct on the reporting party and on TCSPP Community. The Title IX Coordinator may also extend any interim protections and accommodations provided to reporting party.

VI. SANCTIONING

TCSPP Community Members who are found to have violated TCSPP’s prohibitions against sexual misconduct will be subject to sanctions.

A. POSSIBLE SANCTIONS

1. Sanctions for faculty and staff may include, but are not limited to:

- Formal written warning;
- Suspension, with or without pay;
- Performance Improvement Plan (PIP) or Corrective Action Form (CAF);
- No contact order pertaining to certain TCSPP Community Members or physical locations;

- Removal from specific courses or institutional activities;
 - Required training or education;
 - Permanent notation to personnel file;
 - Faculty promotion process halted;
 - Counseling services for the responding party and/or referral to EAP; and/or
 - Termination of employment.
2. Sanctions for students may include, but are not limited to:
- Formal written warning;
 - Performance Improvement Plan (a plan intended to require reflection and remediation of behavior found to have violated this policy);
 - No contact order pertaining to certain TCSPP Community Members or physical locations;
 - Removal from specific courses or institutional activities;
 - Counseling services for the responding party and/or referral to Student Solutions; and/or
 - Dismissal from the institution.

In addition, further protections for the reporting party may be available.

B. DETERMINATION OF APPROPRIATE SANCTIONS

The sanctions process is intended to provide an equitable procedure to both the reporting party and the responding party, demonstrating promptness, fairness, and impartiality.

1. Sanctions Against Students and Non-Employee TCSPP Community Members

Absent informal resolution, upon a finding that a student or other non-employee TCSPP Community Member has engaged in sexual misconduct in violation of this policy, both the reporting party and the responding party will be permitted five (5) calendar days to submit to the investigator a Statement of Impact. The Statement of Impact shall be limited to how the conduct underlying the findings has affected the individual and whether the individual believes there are any mitigating or extenuating circumstances that should be considered in issuing sanctions.

Simultaneously, the investigator will engage the Title IX Coordinator who will convene a Sanctions Panel. The Sanctions Panel will be composed of at least one Deputy Title IX Coordinator not affiliated with the investigation, a current or previous Student Affairs Committee member, and a faculty member trained in determining sanctions. The reporting party and responding party will receive written notice of the individuals on the Sanctions Panel and will have an opportunity to request a substitution if the participation of any of the individuals named poses a conflict of interest. The reporting party and responding party must request of the Title IX Coordinator any substitution in writing within 24 hours of receiving panel member names.

After the Sanctions Panel has been convened, the investigator will submit to it the findings, their recommended sanctions, and any Statements of Impact.

Within five (5) calendar days of receipt of materials, the Sanctions Panel shall meet to determine what, if any, sanctions will be issued. In making such a determination, the Sanctions Panel will not reconsider the findings, but will determine what sanctions are appropriate to remedy the violation and maintain or enhance safety from sexual misconduct in TCSPP's learning and working environment.

If a student fails to comply with sanctions issued by the Sanctions Panel, the matter will be brought back to the Sanctions Panel for a determination of whether additional sanctions should be imposed. If the failure to comply with the sanctions is deemed willful or intentional, additional, more severe sanctions may be imposed. Also, the Sanctions Panel may refer the student to the Student Affairs Committee for professional comportment.

All members of a Sanctions Panel must be trained annually on matters related to this policy.

2. Sanctions Against TCSPP Employees

Absent informal resolution, upon a finding that a TCSPP employee has engaged in sexual misconduct in violation of this policy, both the reporting party and the responding party will be permitted five (5) calendar days to submit to the investigator a Statement of Impact. The Statement of Impact shall be limited to how the conduct underlying the findings has affected the individual and whether the individual believes there are any mitigating or extenuating circumstances that should be considered in issuing sanctions.

The investigator will submit the investigative findings and any Statements of Impact to the Vice President of Human Resources.

The Vice President of Human Resources shall determine what, if any, sanctions will be issued against the employee. Simultaneously, the investigator will determine what, if any, additional sanctions (other than those specifically related to the employee-responding party) are appropriate to remedy the violation and maintain or enhance safety from sexual misconduct in TCSPP's learning and working environment.

C. NOTICE OF SANCTIONS IMPOSED

When sanctioning results from an investigation into sexual misconduct, TCSPP will simultaneously inform both the reporting party and the responding party, in writing, of:

- The outcome of any sanctioning proceedings;
- TCSPP's procedures for appeal, including the deadlines for filing an appeal;
- Any changes in the outcome of sanctioning proceedings that occur; and
- When the outcome of sanctioning proceedings becomes final.

The outcome of sanctioning decisions shall become final on the following date:

- If neither the reporting party nor the responding party appeal the sanctioning decision, the first business day after the opportunity to appeal has passed;
- If either the reporting party or the responding party appeal the sanctioning decision, the date of issuance of the appeal decision.

VII. STUDENT APPEALS OF INVESTIGATIVE FINDINGS AND SANCTIONS DECISIONS

Any student who is a reporting party or responding party under this policy has the right to appeal the outcome of investigative findings and any sanctions decision by submitting a written letter of appeal to the Dean of Academic Affairs of the home campus within five (5) business days of issuance of the findings and sanctions decision. The written request must include:

- A specific statement of the decision that is being appealed;
- The student's desired outcome;
- All information that the student wishes the Dean of Academic Affairs to take into account in consideration of the appeal; and
- A statement of the student's views as to how this information justifies the appeal.

All appeals must be based on one or more of the following:

- New information that could not be presented during the investigation or sanctions decision that would substantially change the outcome;
- The imposed sanction is disproportionate to the violation; or
- Evidence of improper procedure that may impact the outcome.

The Dean of Academic Affairs who handles the appeal shall have had no prior involvement in the initial determination and finding and shall have no conflict of interest with either party. If this Dean of Academic Affairs does not meet these criteria, another Dean of Academic Affairs will receive the appeal.

If in the judgment of the Dean of Academic Affairs the request for an appeal is without merit or does not meet the requirements set forth above, the Dean of Academic Affairs will reject the appeal.

If in the judgment of the Dean of Academic Affairs the appeal is properly constituted, the Dean of Academic Affairs will determine next steps which may include but are not limited to remanding the matter to the Title IX Coordinator for further investigation or remanding to the Sanctions Panel for consideration. The Dean of Academic Affairs will issue a written decision within five (5) business days of receipt of the letter of appeal to both the reporting party and responding party.

Employees and other non-student TCSP Community Members do not have a right to appeal.