

## **SEXUAL MISCONDUCT AND INTERPERSONAL VIOLENCE POLICY VANCOUVER CAMPUS**

Adlerian psychology emphasizes the human need and ability to create positive social change and impact, and holds equality, civil rights, mutual respect and the advancement of democracy as core values. The Adler University commitment to social justice embraces diverse perspectives and works to build and maintain bridges across social, economic, cultural, racial and political systems and empowers others to identify and address shared problems, foster the development of social equality, justice and respect through compassionate action throughout the global community.

To this end, Adler University is committed to maintaining a diverse, respectful and safe campus environment where all members of the University community can work and learn together in an atmosphere free of all forms of sex discrimination. “Sexual misconduct” includes sexual harassment, sexual assault, and sexual exploitation; is a form of sex discrimination; and is prohibited by this Policy. “Interpersonal violence” includes domestic violence, dating violence, and stalking, and it is also prohibited by this Policy.

Accordingly, the University will:

- Require reporting of violations of this Policy before they become severe or pervasive;
- Identify persons to whom violations of this Policy may be reported;
- Prohibit retaliation against individuals who make and/or report violations of this Policy;
- Ensure confidentiality to the extent possible consistent with the need to address and resolve alleged violations appropriately;
- Assure all members of the University community that each complaint will receive an adequate, reliable, and impartial investigation;
- Provide for appropriate remediation when applicable, and/or corrective action/discipline up to and including student dismissal and/or termination of employment.

This Policy applies to all Adler University employees, students, independent contractors, vendors, clients, job applicants, volunteers and/or participants in any University program or activity, guests and/or visitors and any other third party who conducts business with or supervises an Adler University employee and/or student.

The University will investigate, remediate, and adjudicate any alleged suspected violations of this Policy that may occur in the context of an education program or activity, or that otherwise impact the University’s work or learning environment, regardless of whether the alleged conduct occurred on-campus or off-campus. Although conduct prohibited by this policy may also be prohibited by law, the University’s policy, definition, and burden of proof may differ from Illinois criminal or civil law.

In addition, some misconduct can violate this Policy or other University policies without constituting a violation of law. A Complainant may seek resolution through the University’s complaint process under this Policy, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement’s determination whether or not to prosecute

a Respondent, nor the outcome of any criminal prosecution, are determinative of whether sexual misconduct under this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. This policy supplements the University's Employment Criteria and Equal Employment Opportunity Policy and Anti-Harassment Policy, which prohibits discrimination based on age, religion, race, color, gender, gender identity, sexual orientation, national origin, ancestry, marital status, physical or mental disability, military status (including unfavorable discharge from the military), and any other category protected by federal, state, or local law. For more information about the conduct prohibited by the Anti-Harassment Policy, please see the student policy and the employee policy.

**A. The Sexual Misconduct Coordinator**

Members of the University community may obtain information about resources relating to sexual harassment and sexual violence from the University's Sexual Misconduct Coordinator. The Sexual Misconduct Coordinator is responsible for implementing and monitoring Sexual Misconduct Compliance on behalf of the University. This includes coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of this Policy.

The University's Sexual Misconduct Coordinators are:

### **Sexual Misconduct Coordinator**

**Julie Proscia**

University Counsel

[titleix@adler.edu](mailto:titleix@adler.edu)

Office Location: 16-310

Phone: (312) 662-4304

### **Sexual Misconduct Coordinators**

**Susanne Milner**

Manager, Student Services and Alumni Affairs

Vancouver Campus

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## **B. Definitions of Prohibited Sexual Misconduct**

The following offenses are considered sexual misconduct and prohibited by the University.

### **1. Sexual Harassment**

- a) Sexual harassment is unwelcome communication or conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:
  - Submission to such conduct is explicitly or implicitly made a term or condition of academic participation or activity, educational advancement or employment;
  - Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions that affect the individual;
  - Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or limiting participation in University programs or activities;
  - The intent or effect of such conduct is to create an intimidating, hostile, or offensive academic or work environment.
- b) Whether conduct is sexual harassment does not depend on biological gender or gender identification of either the victim or the harasser. .
- c) 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.

d) Depending on the particular circumstances, sexual harassment may include, but is not limited to, the following:

- Actual or attempted rape, sexual assault, sexual battery or molestation, without consent or against another's will, whether achieved through force, threat or intimidation or advantage gained by the aggrieved party's mental or physical incapacity or impairment.
- Non-consensual or forcible sexual touching.
- Offering or implying an employment-related reward (such as a promotion, raise, or different work assignment) or an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any education program or activity) in exchange for sexual favors or submission to sexual conduct.
- Threatening or taking a negative employment action (such as termination, demotion), and/or negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because submission to sexual conduct is rejected.
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is not wanted, unwelcome physical conduct of a sexual nature, or sexual gestures, noises, remarks, jokes, questions, images, on-line postings, graffiti, or comments about a person's sexuality that are so severe, persistent, or pervasive that they would reasonably be perceived as creating a hostile and/or abusive work or educational environment. A single incident involving severe misconduct may rise to the level of harassment.
- Speculation and discussion about an individual's sexual relations and/or orientation, where such speculation and discussion is so severe, persistent, or pervasive that it would reasonably be perceived as creating a hostile and/or abusive work or educational environment.

## **2. Hostile Environment caused by Sexual Harassment**

A "hostile environment" exists when sexual harassment is sufficiently serious to deny or limit the individual's ability to participate in or benefit from the University's programs or activities. A hostile environment can be created by anyone involved in the University's programs or activities (e.g., administrators, faculty members, students, and campus visitors). In order to create a hostile environment, the conduct must be unwelcome to the individual who was harassed, and a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive. To make the ultimate determination of whether a hostile environment exists, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the

context in which it occurred; and, (5) the degree to which the conduct affected one or more person's education or employment. In some circumstances a single instance of sexual assault may be sufficient to create a hostile environment.

### 3. Sexual Assault

"Sexual assault" (also referred to as sexual violence) is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery and sexual coercion. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Examples include, but are not limited to:

- **Sexual Penetration without Consent:** Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral penetration by a sex organ of another person, when consent is not present or coercion and/or force is used.
- **Sexual Contact without Consent:** Having or attempting to have sexual contact with another individual when consent is not present or coercion and/or force is used. Sexual contact includes kissing, touching the intimate parts of another, or disrobing of another without permission. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state in which the incident occurred. (For incidents that occur outside of the U.S., Illinois law will apply in determining a violation of this Policy.)
- **Statutory Rape:** Sexual intercourse with a person who is under the legal age of consent (17 years in Illinois). (For incidents that occur outside of the U.S., Illinois law will apply in determining a violation of this Policy.)

4. **Inducing incapacitation for sexual purposes** includes using, or causing another person or person to use drugs, alcohol, or other means with the intent to affect the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) to sexual contact.

### 5. Sexual Exploitation

"Sexual exploitation" occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Exceeding the boundaries of consent;
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals;
- Possessing, distributing, viewing or forcing others to view illegal pornography.

### **C. Definitions of Interpersonal Violence**

The following offenses are considered interpersonal violence and are prohibited by the University.

#### **1. Domestic Violence**

“Domestic violence” includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or
- any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

#### **2. Dating Violence**

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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 can include, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence, below.

#### **3. Stalking**

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for his or her safety or the safety of others; or
- suffer substantial emotional distress.

For the purposes of this definition:

- a. **“Course of conduct”** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;
- b. **“Reasonable person”** means a reasonable person under similar circumstances and with similar identities to the victim; and
- c. **“Substantial emotional distress”** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

#### **D. Consent**

“Consent” must be knowing, voluntary, and mutual, and can be withdrawn at any time. There is no consent when coercion, intimidation, threats, or duress is used. Silence or the lack of verbal or physical resistance or submission resulting from the use of force does not constitute consent. A person’s manner of dress does not constitute consent. Consent to past sexual activity one person does not constitute consent to future sexual activity with that person. Similarly, consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to the circumstances, including:

- If a person is incapacitated due to a mental disability;
- If a person is incapacitated due to alcohol or drug consumption;
- If a person is asleep or unconscious; or
- If a person is under age. In Illinois, consent can never be given by minors under the age of 17.

It shall not be a valid excuse to alleged lack of consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances: (a) the Respondent’s belief in affirmative consent arose because the Respondent was intoxicated due to drug or alcohol consumption; or (b) the Respondent did not take reasonable steps, in the circumstances known to Respondent at the time, to ascertain whether the Complainant had affirmatively consented.

#### **E. Incapacitation**

Incapacitation is a state in which an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the "who, what, when, where, why, or how" of the sexual interaction), and/or is physically helpless. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition. Some indicators of incapacitation may

include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason.

Where alcohol or other drugs are involved, one does not have to be legally intoxicated or drunk to be considered incapacitated. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's: decision-making capacity, awareness of consequences, and ability to make informed judgments, or capacity to appreciate the nature of the act. Whether a Respondent reasonably should have known that a Complainant was incapacitated will be evaluated using an objective reasonable person standard. The question is whether the Respondent knew or should have known (or a sober, reasonable person in the position of the Respondent, would or should have known) that the Complainant was incapacitated.

An individual may experience a blackout state in which they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication or impairment.

It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

**Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.**

#### **F. Consensual Relationships**

Relationships that are welcomed by both parties do not constitute sexual harassment as long as the relationship remains welcome by both parties. Whether a relationship is in fact welcomed will be gauged according to the circumstances. Special risks are involved when one party, whether a faculty member, staff member or student, is in a position to evaluate or exercise authority over the other. It is inappropriate for a faculty member, clinical supervisor, and/or teaching assistant to have a sexual relationship with a student who is currently in his/her course or is subject to his/her supervision or evaluation. It is similarly inappropriate for someone who has control over the educational success/scholarship status of a student and/or in a supervisory position to have a sexual relationship with an individual in a subordinate position.

Therefore, the person with direct supervisory or evaluative responsibilities who contemplates beginning or is involved with another employee or a student within the Adler community in a sexual, romantic, or dating relationship (or who was recently involved in such a relationship) is required to promptly report the circumstances to his/her immediate supervisor. The supervisor will arrange for other appropriate supervision/evaluation of the student/employee and take other actions as needed to address the potential conflict. Failure to fully comply with these requirements, or to comply in a timely manner, is a violation of this Policy, and the person in authority could be subject to disciplinary action, up to and



including dismissal from employment by the University. Questions about the application of this provision should be addressed to the Sexual Misconduct Coordinator; it is the responsibility of the person in authority to determine whether a report is appropriate and to make such a report if appropriate.

Even when both parties previously consented to a sexual relationship, a charge of sexual harassment may be based on subsequent unwelcome conduct. Members of the University community are cautioned that consensual relationships can entail abuse of authority, conflict of interest, or other adverse consequences that may be addressed through other pertinent policies and practices.

### **G. Retaliation**

This Policy prohibits retaliation against or intimidation of any person who, in good faith, reports an alleged violation of this Policy, or assists or participates in any manner in an investigation or proceeding under this Policy. The University recognizes that retaliation can take many forms, that retaliation may be committed by an individual or a group against an individual or a group, and that a Respondent, Complainant, or third party can be the subject of retaliation. The University will take immediate and responsive action to any report of retaliation and may pursue disciplinary action as appropriate. Individuals who engage in retaliation as defined by this Policy are subject to disciplinary action that includes but is not limited to the sanctions listed in the University's Investigation and Resolution Procedures, up to and including dismissal or other separation from the University.

### **H. Reporting Violations of this Policy**

There are various reporting options and resources available to the University community, both with regard to those who have experienced an alleged violation of this Policy and also with regard to those who believe they have witnessed or have knowledge of a Policy violation ("reporting parties"). The University encourages those who have experienced sexual misconduct or interpersonal violence to talk to one or more of the below individuals or agencies.

#### **1. Law Enforcement Reporting**

Individuals who feel they have experienced an act of sexual violence or interpersonal violence have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the University through its Investigation and Resolution Procedures or to pursue both processes consecutively or concurrently. Witnesses also have these reporting options. A victim of sexual violence or interpersonal violence also has the right not to file or pursue any complaint with the University or a law enforcement agency.

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

- The Vancouver Police Department: 911 or the non-emergency number:  
1-604-717-3321

The University's Sexual Misconduct Coordinator is available to assist individuals in making contact with the appropriate law enforcement authorities. For more information on the extent of a particular law enforcement agency's reporting obligations to other entities or its ability to protect an individual's privacy or have confidential communications during the criminal complaint process, contact the appropriate law enforcement agency.

## **2. Campus Reporting**

The University strongly encourages individuals, including third party bystanders, to report incidents of sexual harassment, sexual violence, or interpersonal violence to the Sexual Misconduct Coordinator, the Deputy Sexual Misconduct Coordinator, or other Responsible Employees. The University encourages individuals to report such incidents as soon as practicable, but there is no time limit on reporting incidents of sexual harassment, sexual violence, or interpersonal violence. The University will investigate and address any alleged violation of this Policy, regardless of when it is reported. The ability to investigate a complaint may be limited if the complaint is not made within a reasonable time period after the alleged incident(s).

A Responsible Employee is a University 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.

A Responsible Employee must report to the Sexual Misconduct Coordinator all relevant details about the alleged sexual misconduct shared by the reporting party and that the University 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 the University'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 the University's Responsible Employees:

- Sexual Misconduct Coordinator
- Deputy Sexual Misconduct Coordinator
- Executive Dean, Vancouver

Even if an employee is not deemed a Responsible Employee, all University employees, except those identified in the Confidential Reporting section, are obligated to immediately report to the Sexual Misconduct Coordinator any alleged violation of this Policy of which they become aware (including the identity of the parties). The failure to report an alleged violation of the policy, by any non- Confidential designated employee, may result in disciplinary action up to and including termination. In addition to notifying a non-

confidential University employee, incidents of sexual harassment, sexual violence, and interpersonal violence may be reported to:

### **Sexual Misconduct Coordinator**

**Julie Proscia**

University Counsel

[titleix@adler.edu](mailto:titleix@adler.edu)

Office Location: 16-310

Phone: (312) 662-4304

### **Deputy Sexual Misconduct Coordinators**

**Susanne Milner**

Manager, Student Services and Alumni Affairs

Vancouver Campus

Phone: (236) 521-2433

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If filing the complaint with the University's Sexual Misconduct Coordinator creates a conflict of interest, the complaint can be filed with the Director of Administration and Finance who will report the complaint to the Vice President of Administration/Leadership to determine if a conflict exists and whether the University needs to use an external investigator. Reports may be submitted in person, in writing, or electronically, and may be submitted by reporting Parties, third parties, or bystanders:

**Melody Sousa**

Director, Administration and Finance, Vancouver Campus

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**Privacy of Campus Reports.** The privacy of all parties involved in complaints or reports of sexual misconduct or interpersonal violence prohibited by this Policy will be respected to the extent permitted under relevant law. Information related to a complaint or report of a violation of this Policy will be treated with sensitivity and shared only with those University employees who need to know to assist in the investigation and/or resolution of the matter pursuant to the University's Investigation & Resolution Procedures. The University will not disclose the identity of either party except as necessary to resolve the complaint or to

implement interim protective measures and accommodations or when provided by State or federal law.

All University employees who are involved in the review, investigation or resolution of sex discrimination, sexual misconduct and interpersonal violence complaints will receive specific training regarding the safeguarding of private information. The University will complete publicly available recordkeeping, reporting and disclosures, without the inclusion of personally identifying information about the victim, to the extent permissible by law.

**Information Regarding the Rights of Complainants.** Upon receiving a report of an incident of sexual misconduct or interpersonal violence prohibited under this Policy, the University is obligated to provide the Complainant with a written document (separate from this Policy) listing, in plain, concise language, the Complainant's available rights, options and resources, as well as a description of the University's Investigation & Resolution Procedures.

### **3. Off-Campus Confidential Resources (Non-University Affiliated)**

Confidential assistance and information relating to incidents involving sexual violence or interpersonal violence may also be obtained from the following organizations not affiliated with the University. Disclosures to these entities *will not* trigger the University's investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.

- Employees eligible for benefits may contact the University's Employee Assistance Program (EAP) for immediate 24 hour confidential counseling assistance at 1-800-272-7255 or online at [www.guidanceresources.com](http://www.guidanceresources.com). Use Company Web ID: COM589
- Students may contact the Adler Student Assistance Program for immediate 24-hour confidential counseling assistance at 1-844-741-6389 in Canada.
- VictimLinkBC (24 hours, confidential, multilingual service). Provides information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence, including victims of human trafficking exploited for labour or sexual services.
- Vancouver Rape Relief & Women's Shelter  
1-604-872-8212  
<https://www.rapereliefshelter.bc.ca/>
- Women Against Violence Against Women (WAVAW)  
1-877-392-7583 or 1-604-255-6344  
<https://www.wavaw.ca/>

### **J. Amnesty Policy to Encourage Reporting**

The University encourages the reporting of violations of this policy, and recognizes that an individual who has been drinking or using drugs at the time of an incident of sexual violence or interpersonal violence may be hesitant to make a report because of potential disciplinary consequences. The University is obligated to include an amnesty provision in this Policy that provides immunity to any student who reports, in good faith, an alleged violation of the University's Policy involving sexual misconduct or interpersonal violence to a Responsible Employee. An individual who reports sexual misconduct will not be subject to disciplinary action by the University for personal consumption of alcohol or drugs at or near the time of the incident, or for other non-violent disciplinary violations, provided that any such violations did not/do not endanger the health or wellbeing of any other individual. The University may, however, initiate an education discussion or pursue other education remedies regarding alcohol or other drugs.

#### **K. Requesting Accommodations and Protective Measures**

A person who has experienced an incident of sexual violence or other conduct prohibited by this Policy may contact the Sexual Misconduct Coordinator or the Director of Student Affairs (contact information below) to obtain any appropriate interim measures or remedies to address his or her safety and well-being.

**Susanne Milner**

Manager, Student Services and Alumni Affairs

Vancouver Campus

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Such remedies may include counseling services, no contact orders, provision of escorts and residence modifications, along with academic and campus work accommodations. In addition, the University may, at its discretion, impose an interim suspension or leave of absence in cases where the University believes there is risk of harm to others. Any such interim steps will be taken in a manner that minimizes the burden on the Complainant to the extent possible.

#### **L. Requesting Confidentiality**

In matters involving incidents of sexual assault, domestic violence, dating violence, or stalking, requests for confidentiality will be respected to the extent allowable under federal and state law, and information pertaining to such incidents will be treated with sensitivity and disseminated with care when it is necessary to do so for purposes of conducting an investigation or taking appropriate corrective action.

Upon request by the individual reporting the incident, the University may allow the report to be made anonymously or in confidence. The Sexual Misconduct Coordinator will make a determination that balances the request for anonymity/confidentiality with its obligation to provide a safe and non-discriminatory environment for all University members. A request for complete confidentiality may limit the University's ability to investigate or to take disciplinary action.

### **Investigation and Resolution Procedures**

The University will promptly, thoroughly, and equitably investigate and resolve all alleged violations of this Policy about which the University knows or reasonably should know, regardless of whether a complaint alleging a violation of the Policy has been filed and regardless of where the conduct at issue occurred. While under Illinois law Complainants have the right to request a prompt procedure, the University is committed to providing a prompt resolution in all matters.

### **1. Consultation, Initial Assessment, and Interim Measures**

Upon learning of an alleged violation of this Policy, the Sexual Misconduct Coordinator or his/her designee will contact the Complainant for an initial meeting. Once the Sexual Misconduct Coordinator receives the complaint or report of a violation of this Policy, the Sexual Misconduct Coordinator will contact the Complainant as soon as practical, and in any event within five (5) business days of the receipt of the complaint or report. During the consultation, the person alleging sexual harassment will be provided with a copy of this Policy, have an opportunity to ask questions and obtain information about reporting incidents, obtain interim relief, request disciplinary action, and obtain counseling, health and mental health assistance and other services on campus and/or in the community. The Complainant will also be provided with written notice of his or her rights and options. The primary goal of the University's response at this stage is to assist and support the Complainant, regardless of whether the Complainant chooses to report the incident to law enforcement. The initial meeting will also determine whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted.

As noted above, the Sexual Misconduct Coordinator will work with all parties involved in an alleged incident to implement any appropriate interim measures to protect the safety of the parties and the campus community and will seek to provide remedies for the parties that address their safety and well-being. Such interim measures and remedies may be requested by or provided to either party and may include, but are not limited to, counseling services, obtaining and enforcing campus no contact orders, honoring an order of protection or no contact order entered by a State civil or criminal court, or the provision of escorts. Interim measures and remedies may also include changes to academic, living, dining, transportation, and working situations. In addition, the University may, at its discretion, impose an interim suspension or leave of absence in cases where the University believes there is risk of harm to others. Any such interim steps will be taken in a manner that minimizes the burden on the Complainant to the extent possible. Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide the interim measures. All parties will be informed that the University prohibits any retaliation against parties involved in reporting or witnessing allegations of sexual violence or other violations and that retaliation is grounds for disciplinary action.

The University will provide victims of sexual violence and interpersonal violence with written notice (see attached) about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services

available for victims by the University and in the community. The University will also provide Complainants with information about their options for, and available assistance in, changing academic, living, transportation, and working situations if requested and reasonably available, regardless of whether the Complainant chooses to report the crime to campus security or to local law enforcement. The University will facilitate such changes if the Reporting Party requests them and if they are reasonably available, regardless of whether the Reporting Party chooses to report the crime to campus security or local law enforcement.

## **2. Investigation/Administrative Review**

The Sexual Misconduct Coordinator will designate a trained individual to investigate and if necessary provide a recommended resolution to the alleged violation. The investigator(s) shall not have a conflict of interest or bias for or against any parties involved in the potential Policy violation. In addition all persons investigating alleged violations of this Policy receive 8 to 10 hours of annual training on issues related to the investigation of, and other issues related to, sexual misconduct and interpersonal violence, including on how to conduct an investigation that protects the safety of victims and promotes accountability.

Any member of the University community who believes they have been sexually harassed may also skip the Consultation and file a complaint against their alleged harasser by filing a complaint with the Sexual Misconduct Coordinator. If filing the complaint with the Sexual Misconduct Coordinator creates a conflict of interest, the complaint can be filed with the Associate Vice President, Student Affairs who will report the complaint to the Vice President, Administration/Leadership Team to determine if a conflict exists and to determine the need for an external investigator.

To proceed with the formal resolution process, the Complainant will be asked to provide a signed statement containing a factual account of the alleged sexual misconduct or interpersonal violence. If the Complainant declines to provide a signed statement, a written summary of the Complainant's oral allegations may be prepared. After the complaint is filed, the Respondent will be provided a written summary of the material allegations.

The University's formal resolution process will involve a prompt, thorough, reliable, fair and impartial investigation. A typical investigation may include interviewing the Complainant(s) and Respondent(s), identifying, locating, and interviewing other relevant witnesses, if any, and reviewing relevant documents, such as police reports or student and/or personnel files.

In cases involving alleged sexual assault, domestic violence, dating violence, and stalking, both the Complainant and Respondent may bring an advisor of their choice to any investigatory and/or disciplinary meetings or proceedings, provided that the involvement of the advisor does not result in undue delay of the meeting or interview. The advisor plays a support role only and may not participate in the proceedings except to consult privately with the party he or she accompanies. If the advisor

engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual resolving the complaint, that advisor may be prohibited from further participation.

Both the Respondent and Complainant will be provided with similar and timely opportunities to identify witnesses and provide and present evidence and witnesses relevant to the complaint. The University will provide the parties with periodic updates as it deems appropriate regarding the status of the process.

Investigations will typically be completed within 60 (sixty) days. If extenuating circumstances require the process to extend beyond that time frame, the University will determine, in its discretion, if such circumstances exist and will notify the Complainant and Respondent of the reason for the extension.

At the conclusion of the investigation, the investigator will prepare a report summarizing the investigation, his or her factual findings, and the finding of whether a violation of this Policy occurred. The standard for determining whether or not a violation occurred is the “preponderance of the evidence” standard, *i.e.*, whether it is more likely than not a violation occurred.

If a violation occurred, the investigator will submit the report to the Vice President, Administration (students) or the Vice President, Finance (employees), who will determine appropriate sanctions.

Both the Complainant and the Respondent will receive concurrent written notice of the findings of the complaint resolution procedure within seven (7) days of the decision. The notice will include information regarding appeal rights. In cases involving allegations of sexual assault, domestic violence, dating violence, or stalking, the notice will also include the finding of whether or not a violation occurred, all sanctions imposed, and the rationale for the result and the sanctions.

### **3. Appeal Procedure**

Both the Complainant and the Respondent have the right to submit an appeal.

A party who wishes to appeal part or all of the outcome of the University’s investigation must submit a written appeal to the Executive Dean of the Vancouver campus within ten (10) days of being notified of the outcome of the investigation. Appeals of either the decision or the sanctions may be filed on grounds of

- (i) new, relevant, substantive information not previously available and sufficient to substantially alter the outcome;
- (ii) allegations that the Investigator deviated from the Investigation and Resolution process outlined in the Policy in a way that substantially altered the outcome of the case or influenced the nature of the sanction; and/or
- (iii) the sanction is disproportionate with the violation (*i.e.*, excessively harsh or excessively lenient).



In cases involving allegations of sexual assault, domestic violence, dating violence, or stalking, the party who did not initiate the appeal will be provided with a copy of the written appeal and shall have ten (10) days to submit a rewritten response, if he or she so chooses. The President will review the investigator's report, the outcome letters to the parties, and both parties' written submissions, as well as any other information he deems relevant.

The President may affirm the outcome or sanctions, modify either or both, impose new sanctions and/or remedies, or may return the matter for further investigation. The President will issue a determination within fourteen (14) days after receiving both parties' submissions, unless the President determines in his discretion that more time is required. Both parties will be notified concurrently in writing of the outcome of the appeal within seven (7) days after the conclusion of the review of findings or sanctions, including any changes to the determination of whether a violation occurred, the sanctions, or both. The decision of the President is final.

#### **4. Sanctions/Corrective Actions and Remedial Measures**

The recommendations and outcomes for corrective actions and/or sanctions are

- Corrective Actions—training, guidance, adjustment of supervisory or evaluative responsibilities and measure to protect the health and safety.
- Sanctions—written reprimand, disciplinary probation, suspension, student dismissal, and/or termination of employment. The University reserves the right to pursue all legal options related to a violation of the Policy.

The University will also take remedial measures to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the Complainant (and others, if appropriate). Such measures can include, but are not limited to counseling services, no contact orders, provision of escorts and residence modifications, along with academic and campus work accommodations, training, or other appropriate steps.

The University reserves the right to impose interim action(s) at any time, if doing so reasonably appears to protect a member of the University community. The University also reserves the right to extend the timeframes in this Policy due to the complexity of the facts, the availability of witnesses and other factors. In cases where the investigator is unable to complete his/her work within the timeframes as stated in this Policy and believes substantial additional time will be required, both parties will be notified that further time is required. In no event will the Complainant in matters involving an alleged violation of the Policy that involves sex discrimination, sexual harassment, or other sexual misconduct be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome. In instances where the University is unable to take disciplinary or other corrective action in response to a violation of this Policy because a Complainant insists on confidentiality or for some other reason, the University will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

#### **M. False Claims/Allegations**

A person who knowingly makes false allegations of sexual harassment or who knowingly provides false information in a sexual harassment investigation or proceeding may be subject to disciplinary action, up to and including termination of employment and/or student dismissal.

#### **N. Conflict of Interest**

The University requires any individual participating in the investigation, sanctioning or appeal of sexual misconduct or interpersonal violence matters to disclose any potential or actual conflict of interest. The Complainant and Respondent will both receive notice of the individuals or individuals with authority to make a finding or impose a sanction before those individuals initiate contact with either party. If a party believes that an investigator has a conflict of interest, the party should submit a request to replace the investigator to the Lead Sexual Misconduct Coordinator. If the Lead Sexual Misconduct Coordinator is believed to have a conflict, the party should submit such request to Jo Beth Cup (Vice President of Administration – (312) 662-4101 or [jcup@alder.edu](mailto:jcup@alder.edu)). In cases where a party believes that the sanctioning official has a conflict of interest, a request to replace the sanctioning official should be submitted to the Lead Sexual Misconduct Coordinator. In cases where a party believes that the President, as the Appellate decision-maker has a conflict of interest, a request for a replacement should be submitted to the Lead Sexual Misconduct Coordinator. Any individual or individuals reviewing an appeal of the findings or imposed sanctions shall not have participated previously in the complaint resolution procedure.

#### **Q. Records Maintenance**

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

Any audio-recording and evidence presented will be maintained by the Sexual Misconduct Coordinator. If a student has been found responsible for violating the Policy, this finding remains a part of that student's conduct record.

#### **R. Dissemination of the Policy, Educational Programs and Employee Training**

As part of the University's commitment to providing a working and learning environment free from sexual harassment and sexual violence, this Policy will be disseminated to the University community through publications, websites, new employee orientation, student orientation, and other channels of communication.

The University has appointed individuals to oversee compliance with applicable federal state and local laws, including Sexual Misconduct, as well as this Policy. The Sexual Misconduct Coordinator will oversee dissemination of this Policy and any procedures to the University community.

The University will inform students, faculty and staff about sexual harassment and the problems it causes. All members of the University community will be advised of their rights and responsibilities under this Policy and any procedures. Preventative educational materials will be available to all members of the University community to promote compliance with this Policy. Annual employee training will be conducted on issues relating to sexual harassment and how to conduct investigations and hearings that protects the safety of victims and promotes accountability. For more information regarding educational program, employee training, and other efforts, please see the Annual Security Report, which is located here.

**S. Academic Freedom**

Nothing in this Policy limits academic freedom, as noted in the Faculty Handbook, Section IV: Faculty Rights, Duties and Responsibilities, which is essential to fulfilling the Mission of the University. This Policy shall not be interpreted to abridge academic freedom.

Although faculty members are not deemed “Responsible Employees” under this Policy they are still required to report any known or suspected incidents of sexual violence to the Sexual Misconduct Coordinator, even if such knowledge arises from class discussion, advising, or another academic context. Accordingly, in an academic setting, expression that is reasonably designed or reasonably intended to contribute to academic inquiry, education, or debate on issues of public concerns shall not be construed as sexual harassment. Consistent with these academic freedom principles, no provision of this Policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums.

Academic freedom and freedom of expression will be strongly considered in investigating complaints and reports of discrimination or harassment, but academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or this Policy.