

**2020 Preventing Sexual Violence in Higher Education Act Annual Report**  
**LOYOLA UNIVERSITY CHICAGO**

Name of Higher Education Institution: \_\_\_\_\_  
 Campus (if applicable): \_\_\_\_\_  
 Completed By/Primary Contact: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

---

**PART A**

Provide one copy of the most recent version of each of the following documents:

- The higher education institution’s comprehensive policy (see 110 ILCS 155/10); and
- The higher education institution’s concise, written notification of a survivor’s rights and options under its comprehensive policy (see 110 ILCS 155/15).

**PART B**

I. Campus Training, Education and Awareness

A. Student Primary Prevention Programming

Identify any and all institutional actions and strategies intended to prevent sexual violence before it occurs by means of changing social norms and other approaches, including, without limitation, training programs, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars or panel discussions that occurred during the 2018 calendar year. See 110 ILCS 155/30(b). If necessary, append additional pages.

<b>Program name</b>	<b>Type/description</b>	<b>Date(s)</b>	<b>Location(s)</b>	<b>Target audience</b>	<b>Number of attendees</b>

**B. Employee Training (optional)**

Identify any and all training provided to higher education institution employees who, with respect to reports of sexual violence, domestic violence, dating violence or stalking: (1) receive student reports, (2) refer or provide services to survivors or (3) participate in the complaint resolution procedure. *See* 110 ILCS 155/30(c). If necessary, append additional pages.

<b>Program name</b>	<b>Type/description</b>	<b>Date(s)</b>	<b>Location(s)</b>	<b>Target audience</b>	<b>Number of attendees</b>

**II. Reports**

Identify the total number of reports made to the following groups of individuals in the 2019 calendar year. If a higher education institution is aware that a student reported an incident more than once, it may provide an explanation for this or any other additional information regarding its reports in Part C below. *See* 110 ILCS 155/25 and 110 ILCS 205/9.21(b).

	<b>Reports to the Title IX coordinator/responsible employees</b>	<b>Reports to confidential and anonymous resources*</b>
<b>Sexual violence</b>		
<b>Domestic violence</b>		
<b>Dating violence</b>		
<b>Stalking</b>		

A. Responses to Reports to the Title IX Coordinator or Responsible Employees

Of the total number of reports or disclosures made to the Title IX coordinator or responsible employees at the higher education institution (identified in Part B, Section II), please report the number of times the following occurred:

	<b>Survivor requested not to proceed with the complaint resolution procedure</b>	<b>HEI investigated allegation</b>	<b>HEI referred allegation to local or State law enforcement</b>	<b>HEI resolved allegation through complaint resolution procedure</b>
<b>Sexual violence</b>				
<b>Domestic violence</b>				
<b>Dating violence</b>				
<b>Stalking</b>				

B. Complaint Resolution Procedure Outcomes

Of the total number of reports reviewed through the complaint resolution procedure, identify the number of students who received the following outcomes. Please provide a description of the other types of discipline students received for violating the comprehensive policy in Part C of this report.

	<b>Found not responsible for violation of comprehensive policy</b>	<b>Dismissed/expelled</b>	<b>Suspended</b>	<b>Otherwise disciplined</b>
<b>Sexual violence</b>				
<b>Domestic violence</b>				
<b>Dating violence</b>				
<b>Stalking</b>				

**PART C**

Use this space to provide any explanations or clarifications for information and data provided as part of the report. (Append additional pages as necessary.)

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

Submit completed reports via mail or email to the addresses below by **November 1, 2020**:

- Office of the Illinois Attorney General  
Civil Rights Bureau  
100 W. Randolph Street, 11th Floor  
Chicago, IL 60601  
[civilrights@atg.state.il.us](mailto:civilrights@atg.state.il.us)
- Illinois Department of Human Rights  
100 W. Randolph Street, 10th Floor  
Chicago, IL 60601



**Respectfully submitted 10/29/2021,  
by Tim Love, Executive Director &  
Title IX Coordinator**

## 2020 IL Preventing Sexual Violence in Higher Education Act – Annual Report Part B(I)(A) – Student Primary Prevention Programming

*Identify any and all institutional actions and strategies intended to prevent sexual violence before it occurs by means of changing social norms and other approaches, including, without limitation, training programs, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars or panel discussions that occurred during the 2020 calendar year. See 110 ILCS 155/30(b). If necessary, append additional pages.*

Program Name	Type/Description	Date(s) (2019)	Location(s)	Target Audience	Number of Attendees
Rape Culture and Athletics	A presentation to discuss GBV in the context of collegiate athletics	1/6/20, 2/11/20, 2/20/20	LSC	Student-athletes	250
Transfer Orientation	50 minute presentation that introduces new students to campus policies and consent	1/7/20	LSC	Incoming transfer students	100
Active Bystander Training	50 minute skills-based presentation on bystander intervention	2/4/20, 2/5/20, 2/6/20, 2/12/20	LSC	Transfer students	55
Valentine's Day consent tabling	Tabling in student center about consent	2/14/20	LSC	All students	35
Red Flags and Rom Coms	Event focused on identifying problematic relationship behaviors in pop culture	2/20/20, 8/20/20	LSC/Virtual	All students	84
Orientation	50 minute presentation that introduces new students to campus policies and consent	6/29/20, 8/12/20, 8/17/20, 8/19/20	Virtual	Incoming Arrupe, undergraduate, and graduate students	759
Sexual Assault Prevention for Undergraduates	An online module that address gender-based violence, policies, consent, and how to help a friend	Summer 2020	Virtual	Incoming students	3000
SDMA Student Leader Gender-Based Violence Training	Training on gender-based violence and how to support peers	8/11/20	Virtual	SDMA Student Leaders	20

<b>Program Name</b>	<b>Type/Description</b>	<b>Date(s) (2019)</b>	<b>Location(s)</b>	<b>Target Audience</b>	<b>Number of Attendees</b>
GBV training – Univ 101	Training on gender-based violence and how to support peers	9/30/20, 10/15/20	Virtual	UNIV 101 students	40
Why I Support Black Women	Presentation on misogynoir and violence against Black women	10/29/20	Virtual	All students	17
CHANGE training	Extensive GBV training for new and returning members of CHANGE student organization	11/8/20	Virtual	New and returning CHANGE members	27
Active Bystander Training	50 minute skills-based presentation on bystander intervention	8/31/20-9/4/20	Virtual	First-year students	1395
One Love Escalation Workshop	A 90 minute program that discusses healthy and unhealthy relationships and how to help a friend	2/12/20, 2/13/20	LSC	All students	11
One Love Behind The Post Workshop	Program on healthy relationship behaviors in digital age	2/26/20	LSC	All students	1
Consent 101	Consent skill building workshop	3/3/20	LSC	Senn HS students	60
Couplets	Healthy relationship workshop	3/11/20	Virtual	Kapwa Loyola	20

## 2020 IL Preventing Sexual Violence in Higher Education Act – Annual Report Part B(I)(B) – Employee Training

*Identify any and all training provided to higher education institution employees who, with respect to reports of sexual violence, domestic violence, dating violence or stalking: (1) receive student reports, (2) refer or provide services to survivors, or (3) participate in the complaint resolution procedure. See 110 ILCS 155/30(c). If necessary, append additional pages.*

Program Name	Type/ Description	Date(s) (2020)	Location(s)	Target Audience	Number of Attendees
Resident Advisor Training	A training for Resident Advisors to increase capacity to respond appropriately to disclosures of gender-based violence	2/20/20	LSC	Resident Advisors	2
Level 1: Virtual Adjudicator/Decision-Maker Training	Basic Title IX Training	6/11-6/12/20	Virtual (online)	Title IX Coordinator/Deputies	1
Discussing Race & Racism in the Workplace	LUC Baumhart Center Workshop	6/16/20	Virtual (online)	Employees	1
Orientation Leader Training	A training for student employees to increase capacity to respond appropriately to disclosures of gender-based violence	6/19/20	Virtual	Orientation Leaders	70
Advanced Title IX Investigator Training & Certification	Academic Impressions™ Workshop	6/24-6/26/20	Virtual (online)	Title IX Investigators	2
A Beginner's Model: Launching Your Title IX Hearing Panel	Academic Impressions™ Workshop	6/30-7/1/20	Minneapolis, MN	Title IX Coordinator/Deputies	2
Title IX Workshop Series: Hearings & Sanctions	Academic Impressions™ Workshop	7/9/20	Virtual (online)	Title IX Coordinator/Deputies	1
Digging Deep into the Clery Act and Title IX Intersections: Advisors of Choice	Clery Center Webinar	7/17/20	Virtual (online)	Title IX Coordinator/Deputies	1

<b>Program Name</b>	<b>Type/ Description</b>	<b>Date(s) (2020)</b>	<b>Location(s)</b>	<b>Target Audience</b>	<b>Number of Attendees</b>
Advisors in Title IX Investigations: Legal, Regulatory, and Public Policy Considerations	Webinar	7/21/20	Virtual (online)	Title IX Coordinator/Deputies	1
Comprehensive Strategies for Title IX Coordinators: Institute & Certification	Academic Impressions™ Virtual Conference	7/28-7/29/20	Virtual (online)	Title IX Coordinators	1
Peer Advisor Training	Training for peer advisors on active bystander training and to inform them of their duty to notify disclosures of gender-based violence	8/20/20	Virtual	Peer Advisors	74
New Title IX Regulations Compliance	Webinar	8/21/20	Virtual (online)	Title IX Coordinator/Deputies, Hearing Admins, Appeal Admins	32
Preventing Sexual Violence in Higher Education Act Training	Training provided by Resilience	12/4/20	Virtual (online)	Office for Equity & Compliance and Office of Student Conduct & Conflict Resolution Staff	7
Mitigating and Responding to Bias in Your Title IX Process	Academic Impressions™ Workshop	12/9/20	Virtual (online)	Office for Equity & Compliance Staff	3
I'm Here For You	Training for staff and faculty on responding to disclosures of gender-based violence	4/7/20, 6/9/20, 7/29/20, 11/23/20	Virtual	Responsible Campus Partners (employees)	32



**Loyola University Chicago**

**Comprehensive Policy  
and Equitable Resolution Procedures  
*for*  
Discrimination, Sexual Misconduct, and  
Retaliation**

Updated and Published August 13, 2020

USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA,  
IS PERMITTED THROUGH A LIMITED LICENSE TO LOYOLA UNIVERSITY CHICAGO.  
ALL OTHER RIGHTS RESERVED. ©2019. ATIXA

# Table of Contents

---

## Article 1: Comprehensive Policy for Discrimination, Sexual Misconduct, and Retaliation at

<b>Loyola University Chicago</b> .....	<b>4</b>
I.    Rationale for a Comprehensive Policy .....	4
II.   Applicable Scope and Key Terminology .....	4
III.  The Office for Equity & Compliance.....	6
A.   Comprehensive Policy Administrators .....	6
IV.  Title IX and the Comprehensive Policy .....	7
A.   Title IX Coordinator and Deputy Coordinators.....	7
V.   Illinois Preventing Sexual Violence in Higher Education Act.....	8
A.   Nearest Medical Facilities .....	8
B.   Local Law Enforcement Contact Information.....	9
C.   Community-Based, State, and National Sexual Assault Crisis Centers and Resources .....	9
VI.  University Nondiscrimination Policy.....	10
A.   Information Specific to Disability Discrimination and Accommodations .....	10
1.  Accommodations for Students with Disabilities .....	11
2.  Accommodations for Faculty and Staff Employees with Disabilities .....	11
VII. Jurisdiction .....	11
VIII. Prohibited Conduct.....	12
A.   Discrimination .....	12
1.  Abusive Conduct.....	12
2.  Bullying.....	12
3.  Discriminatory Harassment and/or Hostile Environment .....	12
4.  Domestic Violence.....	13
5.  Failure to Accommodate for Disability.....	13
6.  Hazing.....	13
7.  Intimidation.....	13
8.  Other Discriminatory Misconduct .....	13
B.   Sexual Misconduct.....	13
1.  Non-Consensual Sexual Penetration .....	14
2.  Non-Consensual Sexual Contact.....	14
3.  Sexual Harassment .....	14
4.  Sexual Exploitation .....	15
5.  Intimate Partner and/or Domestic Violence .....	16
6.  Stalking.....	16
7.  Information Regarding Consent, Force, Coercion, and Incapacitation .....	16
C.   Retaliation .....	17
IX.  Reports of Discrimination, Sexual Misconduct, or Other Related Offenses .....	18
A.   Reporting Options .....	18
1.  Anonymous Reporting.....	19
2.  Obligation of Responsible Campus Partners to Report Disclosures of Sexual Misconduct Involving Students or Minors .....	19
B.   The University’s Initial Response to Reports .....	20
1.  The Preliminary Review and Balancing Individual and Community Interests .....	21
2.  Supportive Measures .....	21
3.  Limitations on University Activities or Access.....	22
C.   Good Samaritan and Medical Amnesty Protocol (Students Only) .....	22
D.   False Reports, Allegations, or Information .....	23
X.   Formal Complaints.....	23
A.   ERP Complaints.....	23
B.   Grievance Process Complaints .....	24
XI.  Informal Resolution Options.....	24

A.	Mediation .....	25
B.	Restorative Justice Conferencing .....	25
C.	Directed Discussion .....	25
D.	No Contest Resolution.....	26
E.	Other Negotiated Resolution .....	26
XII.	Privacy and Recordkeeping.....	26
A.	Federal and State Statistical Reporting Obligations .....	27
B.	Federal Timely Warning Obligations .....	27
XIII.	Revision of the Comprehensive Policy.....	27
<b>Article 2: Equitable Resolution Procedures .....</b>		<b>28</b>
I.	When the ERP is Applicable .....	28
A.	Prohibited Conduct Actionable Under the ERP .....	28
B.	Other Misconduct.....	28
II.	General ERP Information .....	28
A.	Evidentiary Standard and Burden of Proof.....	28
B.	Equitable Treatment of Complainants and Respondents .....	29
C.	Comprehensive Policy Administrators and the ERP .....	29
D.	Timely Resolution of the ERP .....	29
E.	ERP Advisors (for Students Only).....	29
F.	Accommodation for Disabilities in the ERP .....	30
III.	Notice, Dismissal, and Consolidation of ERP Complaints .....	30
A.	Notice of Investigation upon Receipt of ERP Complaint .....	30
B.	Dismissal.....	31
C.	Consolidation.....	31
Cross-Claims .....	31	
IV.	ERP Investigations.....	31
A.	Assignment of Investigators .....	32
B.	Evidentiary Considerations.....	32
C.	Interviews and Exchanges with Primary Parties.....	32
D.	Witnesses .....	33
E.	Multiple-Party Cases .....	33
F.	Recording of Interviews.....	33
G.	Preliminary Investigation Report.....	33
H.	Acceptance of Responsibility.....	33
I.	Final Investigation Report and Notice of Findings.....	34
V.	Administrative Resolution .....	34
A.	General Considerations During Administrative Resolution .....	34
B.	Administrative Resolution Formats Based on Respondent Classification .....	35
1.	When the Respondent is a Student.....	35
2.	When the Respondent is a Staff Employee .....	37
3.	When the Respondent is a Faculty Employee .....	39
VI.	Remedies and Responsive Interventions under the ERP .....	39
A.	Remedies .....	39
B.	Responsive Interventions .....	39
VII.	Monitored Compliance with Sanctions and Responsive Interventions .....	39
<b>Article 3. Grievance Process for Title IX Sexual Harassment .....</b>		<b>40</b>
I.	When the Grievance Process is Applicable.....	40
A.	Title IX Sexual Harassment .....	40
1.	Quid Pro Quo Sexual Harassment .....	40
2.	Hostile Environment Sexual Harassment .....	40
3.	Other Forms of Title IX Sexual Harassment.....	40
B.	Other Misconduct that is Not Title IX Sexual Harassment .....	42
II.	General Grievance Process Information .....	42

A.	Evidentiary Standard and Burden of Proof.....	42
B.	Equitable Treatment of Complainants and Respondents .....	42
C.	Right of Nonparticipation .....	43
D.	Comprehensive Policy Administrators and the Grievance Process .....	43
E.	Timely Resolution of the Grievance Process .....	43
F.	Grievance Process Advisors .....	43
G.	Accommodation for Disabilities in the Grievance Process .....	44
III.	Notice, Dismissal, and Consolidation of Grievance Process Complaints .....	44
A.	Notice of Grievance Process Complaint .....	44
B.	Dismissal of Grievance Process Complaint .....	45
C.	Consolidation of Grievance Process Complaints .....	45
IV.	Availability of Informal Resolution Options .....	45
V.	Investigation of a Grievance Process Complaint.....	45
A.	Assignment of Investigator.....	46
B.	Gathering of Relevant Evidence .....	46
C.	Interviews of Parties.....	46
D.	Presentation and Interviews of Relevant Witnesses .....	47
E.	Recording of Interviews.....	47
F.	Preliminary Inspection and Review and Final Investigation Report .....	47
VI.	Grievance Process Hearings.....	48
A.	Hearing Format.....	48
B.	Cross-Examination by Advisors .....	48
C.	Excluded Questions .....	49
D.	Concluding the Hearing .....	49
E.	Recording of Hearing.....	49
VII.	Sanctioning Determination.....	49
A.	Sanctioning Student Respondents .....	49
B.	Sanctioning Staff Respondents.....	50
C.	Sanctioning Faculty Respondents.....	50
VIII.	Grievance Process Sanctions and Remedies.....	50
A.	Sanctions for Title IX Sexual Harassment .....	50
B.	Remedies .....	51
C.	Responsive Interventions .....	51
IX.	Written Determination .....	51
X.	Appeals of the Grievance Process Outcome.....	51
A.	Grounds for Appeal .....	52
B.	Requesting and Processing Appeals .....	52
1.	Appeals When Respondent is a Student .....	52
2.	Appeals When Respondent is a Non-Unionized Staff Employee .....	52
3.	Appeals When Respondent is a Faculty Employee .....	53
4.	Appeals When Respondent is a Unionized Staff or Faculty Employee.....	53
C.	Appeal Decisions .....	53
XI.	Monitored Compliance with Sanctions and Responsive Interventions .....	53
XII.	Grievance Process Recordkeeping.....	53

# Article 1: Comprehensive Policy for Discrimination, Sexual Misconduct, and Retaliation at Loyola University Chicago

---

## I. Rationale for a Comprehensive Policy

Loyola University of Chicago (“Loyola” or the “University”) is committed to providing an educational and employment environment where the full richness of our diverse community can be explored and celebrated. To this end, the University maintains the highest standards for safety and inclusivity. Such standards are part of a larger ethical imperative rooted in our mission as “Chicago’s Jesuit, Catholic University – a diverse community seeking God in all things and working to expand knowledge in the service of humanity through learning, justice, and faith.”

In maintaining the *Comprehensive Policy and Equitable Resolution Procedures for Discrimination, Sexual Misconduct, and Retaliation* (the “Comprehensive Policy”), the University meets or exceeds the requirements of federal and state civil rights laws and regulations to provide for a prompt, fair, and equitable administrative process to respond consistently and effectively to allegations of alleged discrimination, sexual misconduct, and retaliation. Additionally, the Comprehensive Policy serves to codify the University’s investigative process, which, upon a finding of responsibility, then engages other processes (such as the [Community Standards](#), [Faculty Handbook](#), collective bargaining agreement, and [Employee Staff Handbook](#), as applicable) for the administrative resolution of complaints.

## II. Applicable Scope and Key Terminology

The core purpose of the Comprehensive Policy is to consistently and effectively prohibit all forms of discrimination, sexual misconduct, and retaliation across all campuses and stakeholder groups at Loyola. For this reason, the standards contained in the Comprehensive Policy apply to all students, registered student organizations, faculty and staff employees, guests, and visitors across all campuses and programs of the University within the United States and abroad.

Discrimination, sexual misconduct, and retaliation can take place in many forms, and often occur in overlapping or intersecting ways. Additionally, some specific violations (such as domestic violence and stalking) may be more appropriately categorized as either discriminatory or sexual misconduct, depending on the specific circumstances of the particular alleged incident. For these reasons, the University has chosen to address all such violations under one consistent policy with procedural frameworks appropriate to the unique circumstances of each case.

The following are several key terms that are important to understanding and navigating the Comprehensive Policy:

**Administrative resolution** is a general term used to describe the various processes by which the University resolves a substantiated formal complaint under the Equitable Resolution Procedures (after a finding of responsibility has been made following investigation and/or admission). Administrative resolution processes may be governed by the [Community Standards](#), [Faculty Handbook](#), collective bargaining agreement, and/or [Employee Staff Handbook](#), depending on whether the complaint is against a student, faculty employee, or staff employee, respectively. An **administrative resolution officer** (“ARO”) is a general term to describe trained and qualified individuals who have a role in these processes.

An **affected party** is a member of the University community (student, faculty employee, or staff employee) who reports having experienced (or has been reported by another to have experienced) prohibited conduct under the Comprehensive Policy. Affected parties are eligible to request supportive measures and/or file a formal complaint under either the Equitable Resolution Procedures or Title IX Sexual Harassment Grievance Process (“Grievance Process”), as applicable.

A **complainant** is an affected party who has chosen to file a formal complaint against a respondent or otherwise chosen to participate in the Equitable Resolution Procedures or the Grievance Process.

**Comprehensive Policy Administrator (“CPA”)** describes an employee of the University with a professional role in the administration of the policies and procedures of the Comprehensive Policy.

**Education program or activity** includes locations, events, or circumstances over which the University exercises substantial control over both the conduct of a respondent and the context in which the conduct is alleged to have occurred. This also includes any building owned or controlled by a recognized student organization.

**Equitable Resolution Procedures (“ERP”)** refers to the steps by which the University resolves formal complaints of alleged misconduct under the Comprehensive Policy, excluding allegations that meet the specific definitional and jurisdictional requirements of Title IX sexual harassment.

A **finding** is a determination made at the conclusion of an investigation (ERP) or hearing (Grievance Process) as to whether or not the alleged violation has been substantiated under a preponderance of the evidence standard. A finding of either “responsible” or “not responsible” is assigned to each alleged policy violation individually. In cases involving multiple complainants and/or multiple allegations of the same violation, a respondent may be found “responsible” for multiple violations of the same policy.

A **formal complaint** (or “complaint”) is a physical or electronic document submitted in writing by a complainant or by the EDEC, alleging one or more violations of the Comprehensive Policy by a respondent, and officially requesting that the University intervene and investigate and/or adjudicate the matter under either the ERP or the Grievance Process (or informal resolution options, if applicable). *ERP complaints* and *Grievance Process complaints* are distinguished as follows:

- **ERP complaints** are formal complaints of any alleged discrimination, sexual misconduct, retaliation, or other related offenses under the Comprehensive Policy, except for allegations that meet the definitional and jurisdictional requirements of Title IX sexual harassment.
- **Grievance Process complaints** are formal complaints of alleged misconduct that meets the definitional and jurisdictional requirements of Title IX sexual harassment.

**Heightened risk factors** is a term used to describe elements that, if suggested in a report of alleged misconduct, may warrant the University initiating a formal complaint irrespective of the wishes and/or participation of the affected party. Heightened risk factors may include, without limitation, the presence or involvement of (a) predation, threat, violence, weapons, minors, and/or pattern (e.g., the University has actual knowledge of reports by multiple individuals alleging similar misconduct by the same respondent), and/or (b) a potential threat to the safety of the University community.

**Informal resolution options** include non-disciplinary processes such as conflict resolution (mediation, restorative justice), directed discussions, or other negotiated resolution, and constitute one set of procedural options that may be available for the resolution of some formal complaints.

A **preliminary review** is an initial review of a report conducted by the University to assess (a) whether the reported behavior may fall under the Comprehensive Policy, and (b) the level of threat that may be present to the University community.

A **preponderance of the evidence** is the evidentiary standard used at Loyola to determine whether a respondent is responsible for violating the Comprehensive Policy. This standard requires that the totality of the evidence, considered impartially, must indicate that it is more likely than not that the Comprehensive Policy was violated.

**Protected classes** are categories of individuals who share an identity such that they qualify for protections against discrimination under the law (and under the Comprehensive Policy). Protected classes at Loyola include race, color, religion, sex, age, sexual orientation, gender identity or expression, national or ethnic origin, ancestry, disability, marital status, parental status, military/veteran status, and any other characteristic protected by applicable law.

A **report** is a disclosure or other communication to the Office for Equity & Compliance or to another University official with the authority to institute corrective measures on behalf of the University that directly notifies the

University of an allegation of prohibited conduct under the Comprehensive Policy. A report may be made by any individual (including third parties) or may be anonymous, and is distinct from a formal complaint.

A **reporter** is an individual who informs the University of an alleged incident and/or violation of the Comprehensive Policy. The reporter may be the same as the affected party (the person who experienced the alleged misconduct) or may be a third party.

A **respondent** is an individual who has allegedly engaged in prohibited conduct that could constitute a violation of the Comprehensive Policy. For the purposes of reports and ERP complaints only (i.e., not applicable to Grievance Process complaints), a respondent may also be an organization, such as a recognized student organization or a department of the University.

**Sanctions** (also known as “assigned outcomes” under the Community Standards applicable to students) are individual consequences assigned to a respondent after a finding of responsibility under either the ERP or the Grievance Process, as applicable.

**Title IX sexual harassment** refers to sexual harassment or other offenses that meet the definitional and jurisdictional requirements under Title IX.

**Title IX Sexual Harassment Grievance Process (“Grievance Process”)** describes a specific set of procedures set forth in Article 3 and used to resolve allegations of Title IX sexual harassment.

### III. The Office for Equity & Compliance

In January 2019, the University created the Office for Equity & Compliance (“OEC”) to centralize and coordinate University-wide compliance with Title IX and other equity-based federal and state laws and regulations. The OEC staff includes the Executive Director for Equity & Compliance (“EDEC”), who also serves as the Title IX Coordinator, and a team of Equity Investigators, who also serve as Deputy Title IX Coordinators.

The EDEC acts with independence and authority free from bias or conflicts of interest. The EDEC, with the assistance of the OEC staff, oversees the resolutions of reports and complaints arising under the Comprehensive Policy and ensures that all University representatives who assist with administration of the Comprehensive Policy act with objectivity and impartiality and are assessed with respect to conflicts of interest and/or potential bias.

The work of the OEC is also supported University-wide by several key partners, including the University’s Department of Campus Safety (“Campus Safety”), the Wellness Center, Human Resources, the Office of the Dean of Students (“DOS”), and the Office of the Provost. Notably, the DOS is a key resource for students involved in any matter covered by the Comprehensive Policy, from resourcing affected parties to supporting and advising respondents.

Throughout the Comprehensive Policy, some responsibilities of the EDEC may be delegated to other OEC staff, the Assistant Dean of Students & Equity Case Manager in the DOS, or other University staff as needed to ensure efficient and effective service for all stakeholders. More information about the OEC staff and other critical campus partners may be found at the OEC website: [www.luc.edu/equity](http://www.luc.edu/equity).

#### Office for Equity & Compliance

Loyola University Chicago  
Granada Center, Suite 403  
6439 N. Sheridan Rd.  
Chicago, IL 60626  
(773) 508-7766 (office)

[equity@luc.edu](mailto:equity@luc.edu)  
[www.luc.edu/equity](http://www.luc.edu/equity)

#### A. Comprehensive Policy Administrators

The OEC staff also rely on a pool of trained and qualified Comprehensive Policy Administrators (“CPAs”) who assist with University’s response to reports and the administration of the ERP and the Grievance Process. CPAs are otherwise employed by the University and serve in such a capacity based on their respective roles. CPAs perform various functions impartially and free from conflicts of interest and bias, at the coordination and direction of the EDEC.

CPAs are trained in compliance with applicable federal and state laws and regulations. This training is designed to ensure the consistent application of the Comprehensive Policy (including the ERP and the Grievance Process) and improve CPAs' understanding of relevant processes and concepts.

## IV. Title IX and the Comprehensive Policy

Title IX of the Educational Amendments of 1972 and its implementing regulations (34 CFR § 106) as administered by the Office for Civil Rights of the Department of Education (collectively referred to as "Title IX") explicitly prohibits discrimination based on sex by any institution of higher education that receives federal funds (which includes Loyola). Under Title IX, certain types of sexual harassment, when occurring within the United States and within the University's education programs and activities, constitute a form of prohibited sex discrimination.

Title IX requires a specific grievance process for formal complaints of Title IX sexual harassment, as distinct from other forms of Title IX sex discrimination and other forms of sexual harassment. To comply with this requirement, the Grievance Process, as well as the specific conditions for the application of the Grievance Process, are provided in Article 3.

### A. Title IX Coordinator and Deputy Coordinators

Every educational institution receiving federal financial assistance must designate a "Title IX Coordinator" to carry out the institution's obligations under Title IX. At Loyola, the EDEC is the Title IX Coordinator, and is assisted in this function by the Deputy Title IX Coordinators listed below.

Any person may report Title IX sex discrimination, including Title IX sexual harassment (whether or not the person reporting is the affected party), via the publicly available [online reporting form](#) (powered by Maxient™; additional information available at [www.luc.edu/equity](http://www.luc.edu/equity)); in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator (below); or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

Inquiries about Title IX as implemented at Loyola, or reports or formal complaints of any alleged Title IX violation may be directed internally to:

#### **Title IX Coordinator**

Timothy Love, Executive Director for Equity & Compliance  
Office for Equity & Compliance  
Granada Center 4<sup>th</sup> Floor, 6439 N. Sheridan Rd., Chicago, IL 60626  
office (773) 508-7766  
direct (773) 508-3733  
[tlove@luc.edu](mailto:tlove@luc.edu)

#### **Deputy Title IX Coordinator**

Laura Vele Buchs, Equity Investigator  
Office for Equity & Compliance  
Granada Center 4<sup>th</sup> Floor, 6439 N. Sheridan Rd., Chicago, IL 60626  
office (773) 508-7766  
direct (773) 508-3781  
[lbuchs@luc.edu](mailto:lbuchs@luc.edu)

#### **Deputy Title IX Coordinator**

Brian Houze, Equity Investigator  
Office for Equity & Compliance  
Granada Center 4<sup>th</sup> Floor, 6439 N. Sheridan Rd., Chicago, IL 60626  
office (773) 508-7766  
direct (773) 508-8694  
[bhhouze@luc.edu](mailto:bhouze@luc.edu)



### **Interim Deputy Title IX Coordinator & Student Equity Case Manager**

Lester Manzano, Associate Dean of Students  
Office of the Dean of Students  
Damen Student Center 3<sup>rd</sup> Floor, 6511 N. Sheridan Rd., Chicago, IL 60626  
office (773) 508-8840  
direct (773) 508-3618  
[lmanzan@luc.edu](mailto:lmanzan@luc.edu)

Inquiries or reports may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Ave., SW, Washington, DC 20202-1100  
(800) 421-3481  
TDD (877) 521-2172  
[OCR@ed.gov](mailto:OCR@ed.gov)  
[www.ed.gov/ocr](http://www.ed.gov/ocr)

OCR Chicago Office  
U.S. Department of Education  
Citigroup Center  
500 W. Madison St., Suite 1475, Chicago, IL 60661-4544  
(312) 730-1560  
[OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

Equal Employment Opportunity Commission (EEOC)  
Chicago District Office  
JCK Federal Building, 230 S. Dearborn St., Chicago, IL 60604  
(800) 669-4000  
ASL Video Phone: (844) 234-5122  
[www.eeoc.gov](http://www.eeoc.gov)

To raise any concern or conflict of interest regarding the EDEC, or to report any alleged misconduct or discrimination committed by the EDEC, contact Dr. Winifred Williams, Vice President of Human Resources, Chief Human Resources Officer, & Chief Diversity and Inclusion Officer, at (312) 915-6175 or [wwilliams5@luc.edu](mailto:wwilliams5@luc.edu). To raise concerns regarding a potential conflict of interest with or allegation of misconduct by any other administrator involved in the administration of the Comprehensive Policy, please contact the EDEC.

## **V. Illinois Preventing Sexual Violence in Higher Education Act**

As an institution in the state of Illinois, Loyola also complies with the Illinois Preventing Sexual Violence in Higher Education Act ("ILPSVHE Act," 110 ILCS 155), which provides state-specific requirements responding to sexual misconduct against students at institutions of higher education in Illinois.

The Comprehensive Policy meets or exceeds all compliance requirements for a "comprehensive policy" created and implemented by the University to address student allegations of sexual violence, domestic violence, dating violence, and stalking. Under the ILPSVHE Act, the following information is also provided for students:

### **A. Nearest Medical Facilities**

If an affected party wishes to report to law enforcement, it is important to preserve any physical evidence when possible. Pursuant to the Illinois Sexual Assault Survivors Emergency Treatment Act, an affected party may have a medical forensic examination and/or medical treatment related to the sexual assault completed in Illinois at no cost to the affected party.

Please note that although medical treatment is available regardless of the time since the incident, an evidence collection kit may be offered only within seven days of an assault, and certain specific medical support may only be

available if administered within 72 hours of the incident. The following are medical facilities and/or agencies nearest to each campus where an affected party may ask for a “sexual assault advocate,” support, or other services upon check-in.

- Lake Shore Campus:  
Methodist Hospital, 5025 N. Paulina St., Chicago, IL 60640, phone: (773) 271-9040
- Water Tower Campus:  
Northwestern Memorial Hospital, 251 E. Huron St., Chicago, IL 60611, phone: (312) 926-2000
- Health Sciences Campus:  
West Suburban Medical Center, 3 Erie St., Oak Park, IL 60302, phone: (708) 383-6200
- John Felice Rome Center:  
Policlinico Universitario Agostino Gemelli, Largo Agostino Gemelli, 00136 Roma, Italia, phone: +39-06-30151
- Loyola University Retreat and Ecology Center (LUREC):
  - (advocacy) The CARE Center in Crystal Lake, 104 Minnie St. Crystal lake, IL 60014, phone: (815) 671-4004
  - (evidence collection) Emergency Room, 4201 Medical Center Dr. McHenry, IL 60050, phone: (815) 344-5000
- Cuneo Mansion and Gardens:
  - (advocacy) Zacharias Sexual Abuse Center, 4275 Old Grand Ave., Gurnee, IL 60031, phone: (847) 872-7799
  - (medical care) Advocate Condell Medical Center, 801 S Milwaukee Ave, Libertyville, IL 60048, phone: (847) 362-2900

## B. Local Law Enforcement Contact Information

- Lake Shore Campus:
  - [Department of Campus Safety](#): 773-508-6039
  - Chicago Police (24<sup>th</sup> District): 312-744-5907 (6464 N. Clark Street, Chicago, IL 60626)
- Water Tower Campus:
  - [Department of Campus Safety](#): 773-508-6039
  - Chicago Police (18<sup>th</sup> District): 312-742-5870 (1160 N. Larrabee St., Chicago, IL 60610)
- Health Sciences Campus:
  - Campus Security: 708-216-9077
  - Cook County Sheriff's Police: 708-865-4700 (1401 S. Maybrook Dr., Maywood, IL 60153)
- John Felice Rome Center:
  - Polizia (Police): 113
  - Carabinieri (Military Police): 112
  - Rome Center Emergency: 011.39.06.355881
  - <https://www.luc.edu/rome/resources/parentsandguardians/emergencycontacts/>
- Loyola University Retreat and Ecology Center (LUREC):
  - Woodstock Police Department 24-Hour Non-Emergency: 815-338-2131 (656 Lake Avenue, Woodstock, IL 60098)
- Cuneo Mansion and Gardens:
  - Vernon Hills Police Department Non-Emergency (847) 362-4449 (740 Lakeview Parkway, Vernon Hills, IL 60061)

## C. Community-Based, State, and National Sexual Assault Crisis Centers and Resources

- [Porchlight Counseling](#) (confidential counseling): 773-750-7077
- [Resilience](#) (Formerly, RVA) (Chicago-based, confidential resource): 312-443-9603
- YWCA Chicago Rape Crisis Hotline:
  - 888-293-2080 in Chicago Metropolitan Area

- 630-971-3927 in DuPage County
- 708-748-5672 in the South Suburbs
- Illinois Coalition Against Sexual Assault (ICASA):
  - [Find a rape crisis center in Illinois](#)
- RAINN National Sexual Assault Hotline: 800-656-HOPE (4673)
  - [online.rainn.org](http://online.rainn.org)
  - [online.rainn.es](http://online.rainn.es) (Spanish language services)

## VI. University Nondiscrimination Policy

Loyola adheres to all applicable federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education. Loyola does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of race, color, religion, sex, age, sexual orientation, gender identity or expression, national or ethnic origin, ancestry, disability, marital status, parental status, military/veteran status, or any other characteristic protected by applicable law.<sup>1</sup>

This Nondiscrimination Policy prohibits discrimination in employment and in providing access to educational opportunities. Therefore, any member of the Loyola community who acts to deny, deprive, or limit the educational or employment benefits or opportunities of any student, employee, guest, or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the Nondiscrimination Policy.

This Nondiscrimination Policy also includes protections for those opposing discrimination or participating in any University resolution process or within the Equal Employment Opportunity Commission or other human rights agencies.

If you have questions about this Nondiscrimination Policy, Title IX, Title VI of the Civil Rights Act of 1964 (“Title VI”), Title VII of the Civil Rights Act of 1964 (“Title VII”), the Americans with Disabilities Act of 1990 (“ADA”), or Section 504 of the Rehabilitation Act of 1973 (“Section 504”), or if you believe you have been discriminated against based on your membership in a protected class, please contact Tim Love, Executive Director for Equity & Compliance, or another member of the Office for Equity & Compliance, at (773) 508-7766 or [equity@luc.edu](mailto:equity@luc.edu), and/or submit a report online at [www.luc.edu/equity](http://www.luc.edu/equity).

### A. Information Specific to Disability Discrimination and Accommodations

Loyola is committed to full compliance with applicable sections of the ADA and Section 504, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA/Section 504 and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits one or more major life activities. ADA/Section 504 also protect individuals who have a history or record of a substantially limiting impairment, or who are perceived by others as having such an impairment.

If you have questions about disability discrimination or believe you have been discriminated against based on disability, please contact Tim Love, Executive Director for Equity & Compliance, or another member of the Office for Equity & Compliance, at (773) 508-7766 or [equity@luc.edu](mailto:equity@luc.edu), and/or you may submit a report online at [www.luc.edu/equity](http://www.luc.edu/equity).

If you are a student or employee seeking accommodations for a disability, please review the following information.

---

<sup>1</sup> It should be noted that while the [Faculty Handbook](#) uses a slightly different phrasing to describe the University Nondiscrimination Policy, the substance of these policies is consistent.

## 1. Accommodations for Students with Disabilities

Loyola provides qualified students with disabilities the reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the University. All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the [Student Accessibility Center](#) (“SAC”), which coordinates services for students with disabilities. The SAC reviews documentation provided by a student and, in consultation with the student, determines which accommodations are appropriate to the student’s particular needs and programs. For information about faculty employees’ obligations to cooperate with the SAC regarding academic accommodations based on students’ disabilities, see the [Faculty Handbook](#).

If, after working with the SAC, a student feels that the University has failed to accommodate them appropriately, a report may be submitted to the OEC.

## 2. Accommodations for Faculty and Staff Employees with Disabilities

Pursuant to the ADA, Loyola provides reasonable accommodation(s) to all qualified faculty and staff employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

Any employee with a disability is responsible for requesting an accommodation in writing to Human Resources (for staff employees) or the Senior Academic Officer (for faculty members) and providing appropriate documentation. For more information about this process, see [Human Resources’ online accommodation notice](#), [Faculty Handbook](#), or collective bargaining agreement, as applicable.

If, after working with Human Resources/Senior Academic Officer, an employee feels that the University has failed to accommodate them appropriately, a report may be submitted to the OEC.

## VII. Jurisdiction

The Comprehensive Policy applies to conduct that takes place on any of Loyola’s campuses (in the United States or abroad), at University-sponsored events, and in any other circumstances (including off-campus and online) when the OEC determines that the conduct affects a University interest. Regardless of where the conduct occurred and whether the affected party is a member of the University community, the University will review all allegations to determine whether the conduct occurred in the context of its employment or educational programs or activities and/or has continued effects therein. University interests may include, but are not limited to:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
2. Any situation where it appears that a respondent may present a danger or threat to the health or safety of oneself or others;
3. Any situation that significantly impinges on the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
4. Any situation that is detrimental to the educational, professional, or operational interests of the University.

If the respondent is unknown or is not a member of the University community, the OEC or DOS can assist the affected party in identifying appropriate campus and local resources and support options, including (when criminal conduct is alleged) assisting the affected party with reporting to local law enforcement or Campus Safety. In addition, the University may take other actions to protect the affected party, such as barring a respondent from University property and/or events.

Non-members of the University community who are alleged to have engaged in covered misconduct within Loyola programs or on Loyola property are not under the jurisdiction of the Comprehensive Policy, but may be subject to actions that limit their access and/or involvement with Loyola programs as the result of the reported misconduct. Conversely, reports by non-members of the University community who allege misconduct by a respondent who is

a member of the University community will be reviewed by the University to assess whether University interests may still warrant responsive action.

Similarly, the OEC may be able to assist a student or employee who experiences misconduct under the Comprehensive Policy in an externship, study abroad program, or other environment external to the University. The policies and procedures of the facilitating organization may offer recourse or remedies to the affected party.

## VIII. Prohibited Conduct

The following behaviors conflict with the University's values and expectations for members of the University community (and in some cases, applicable laws), and are therefore prohibited at Loyola. The following policies may be applied to single incidents as well as patterns and/or climate, all of which may be investigated and addressed in accordance with the Comprehensive Policy. The University also reserves the right to address these behaviors through other University processes when they are of a general nature and/or do not appear to have been motivated by a person's status in a protected class. Additionally, except as otherwise required by applicable law, none of these policies are meant to restrict academic freedom as described in the [Faculty Handbook](#) or collective bargaining agreement, as applicable.

Unless otherwise indicated, all definitions provided below are as applied for the purposes of the Comprehensive Policy, and may differ from definitions used by law enforcement and/or courts for criminal, civil, or other legal purposes, including reporting under the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (see Article 1, subsection XII(A)). Illustrative examples and additional information may be found at [www.luc.edu/equity](http://www.luc.edu/equity).

### A. Discrimination

Discrimination is defined as the unjust or preferential treatment of another wholly or partially because of the person's membership in a protected class (see Article 1, subsection (VI)). When brought to the attention of the University, such discrimination will be appropriately addressed and remedied. Sanctions for discrimination and other forms of discriminatory misconduct may range from warning through expulsion (for students) or termination of employment (for faculty and staff employees).

In addition to the definition of discrimination *per se* provided above, the following behaviors<sup>2</sup> are also prohibited as forms of discrimination when the misconduct is based on the affected party's actual or perceived membership in a protected class:

#### 1. Abusive Conduct

Abusive conduct is defined as any intentional conduct that inflicts or attempts to inflict bodily harm or severe emotional harm upon any person, any reckless action that could result in bodily harm, and/or any action that would reasonably cause another to be fearful that their health or safety is in immediate danger.

#### 2. Bullying

Bullying is defined as antagonistic and unwelcome behavior towards another that is severe or repeated and that would be likely to intimidate, hurt, demean, defame, control, or diminish a reasonable person. Bullying may include the use of slurs, epithets, and derogatory terms.

#### 3. Discriminatory Harassment and/or Hostile Environment

Discriminatory harassment is defined as unwelcome and objectively offensive conduct on the basis of actual or perceived membership in a protected class. Loyola may remedy any form of discriminatory harassment when reported, whether or not the behavior rises to the level of creating a hostile environment.

---

<sup>2</sup> For students, each of these policies is explained in further detail in the [Community Standards](#).

A hostile environment is one that unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. When discriminatory harassment is so severe, persistent, or pervasive that it creates a hostile environment for any individual or group, Loyola may also impose sanctions on the responsible party.

#### **4. Domestic Violence**

Domestic violence is usually a form of gender-based misconduct, and is therefore primarily addressed in *Section VII.B. Sexual Misconduct*. However, in some circumstances, such violence may be based on some protected status other than sex, such as violence between two roommates that is motivated by racial or other discrimination.

#### **5. Failure to Accommodate for Disability**

Loyola is committed to making reasonable accommodations for qualified individuals with disabilities, in compliance with applicable state and federal disability laws. Any individual who has followed the proper University procedures but believes they have not been accommodated as required by law may report the matter to the OEC for investigation.

#### **6. Hazing**

Hazing is defined as actions or activities often associated with initiation or group associations which inflict or attempt to cause mental or physical harm or anxieties; or which demean, degrade, or disgrace any person regardless of location, intent, or consent of participants.

#### **7. Intimidation**

Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another.

#### **8. Other Discriminatory Misconduct**

Violation of any other University policy may fall within this section when the violation is motivated by the affected party's actual or perceived membership in a protected class.

### **B. Sexual Misconduct**

Consistent with Loyola's mission and identity, the University maintains the highest standards for respectful sexual interactions between consenting individuals. Although Illinois law defines various violent and/or non-consensual sexual acts as crimes<sup>3</sup>, for the purposes of the Comprehensive Policy, Loyola applies its own definitions and standards for the various ways in which sexual and/or gender-based misconduct are prohibited. When allegations of sexual misconduct meet the definitional and jurisdictional requirements of Title IX sexual harassment, the requirements for Grievance Process complaints and the Grievance Process will apply (see Article 1, subsection X(A) and Article 3).

Certain forms of sexual misconduct are among the most harmful violations that any individual can undertake against the safety and dignity of our University community; the University therefore reserves the right to impose any level of assigned outcome, up to and including suspension or expulsion/termination, for any sexual violation based on the facts and circumstances of the particular case.

---

<sup>3</sup> In Illinois, criminal sexual assault is defined as follows: "A person commits criminal sexual assault if that person commits an act of sexual penetration and (a) uses force or threat of force; (b) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (c) is a family member of the victim, and the victim is under 18 years of age; or (d) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age" (720 ILCS 5/11-1.20). This definition is applicable to criminal prosecutions for criminal sexual assault in Illinois; however, this definition differs from the language used by Loyola to address violations of the Comprehensive Policy.

Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity or expression of those involved. Specific violations include:

### ***1. Non-Consensual Sexual Penetration***

Non-consensual sexual penetration is defined as:

- any sexual penetration or attempted penetration,
- however slight,
- with any body part or object
- by a person upon another person
- that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration or oral copulation (genital to mouth contact) no matter how slight the penetration.

### ***2. Non-Consensual Sexual Contact***

Non-consensual sexual contact is defined as:

- any intentional sexual touching,
- however slight,
- with any body part or object
- by a person upon another person
- that is without consent and/or by force.

Sexual touching includes intentional contact with the breasts, groin, or genitals; or touching another with any of these body parts; or making someone touch another or themselves with or on any of these body parts; or any other bodily contact made in a sexual manner.

### ***3. Sexual Harassment***

Sexual harassment is broadly defined as:

- unwelcome and objectively offensive,
- sexual,
- verbal, written, online, and/or physical conduct.<sup>4</sup>

Sexual harassment occurs without regard to the respondent's intent to cause harm and is based on the totality of the circumstances. Loyola may remedy any form of sexual harassment when reported, whether or not the behavior constitutes *quid pro quo* or hostile environment sexual harassment.

---

<sup>4</sup> Harassment based on sex, sexual orientation, gender identity, or gender expression are also prohibited as forms of discriminatory harassment, in compliance with Title VII (see Article 1, subsection VIII(A)(3)).



### a. Quid Pro Quo Sexual Harassment

*Quid pro quo* sexual harassment is defined as:

- unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature,
- by a person having power or authority over another,
- when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status or participation in other University programs or activities, or
- when submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions adversely affecting the individual.

### b. Hostile Environment Sexual Harassment

A hostile environment is created when sexual harassment is:

- severe or persistent or pervasive; and
- objectively offensive, such that it
- unreasonably interferes with, denies, or limits an individual's or group's ability to participate in or benefit from the University's educational, employment, residential, or social program.

Unwelcomeness and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances. Other forms of sexual misconduct (as defined in Article 1, subsection VIII(B)), when substantiated, may be considered in determining whether the sexual misconduct also contributed to a hostile environment.

### c. Title IX Sexual Harassment

In certain circumstances specifically defined under Title IX, some allegations of sexual harassment (including some instances of *quid pro quo* sexual harassment, hostile environment sexual harassment, sexual assault, dating violence, domestic violence, and stalking, as defined by law) may constitute Title IX sexual harassment.<sup>5</sup>

For the purpose of addressing formal complaints of Title IX sexual harassment, the University must comply with a specific, prescribed administrative process, which is provided for in the Comprehensive Policy as the Grievance Process (see Article 3). As described in Article 1, subsection X(B), the Grievance Process will be followed for all formal complaints of Title IX sexual harassment.

All other reports and formal complaints of "non-Title IX" sexual harassment may be addressed according to the ERP (see Article 2).

## 4. Sexual Exploitation

Sexual exploitation refers to behavior wherein a person takes non-consensual or harmful sexual advantage of another and the behavior does not otherwise fall within the definitions of non-consensual sexual penetration, non-consensual sexual contact, or sexual harassment. Examples of sexual exploitation include, but are not limited to, the following:

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of all persons observed).
- Taking pictures or video or audio recording another in a sexual act or in other private activity without the consent of all involved, or exceeding the boundaries of consent (such as disseminating otherwise consensual sexual pictures without the photographed person's consent).
- Prostitution of oneself or others.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease or infection without first disclosing the infection.

---

<sup>5</sup> Source: 34 CFR Part 106.30(a).



- Administering alcohol or drugs (such as “date rape” drugs) to another person without the other person’s knowledge or consent and with the intent of taking sexual advantage of them.
- Exposing one’s genitals (“flashing”) in non-consensual circumstances.
- Sexually based stalking and/or bullying may also be forms of sexual exploitation in some cases.

## 5. Intimate Partner and/or Domestic Violence

Intimate partner and/or domestic violence (“IP/DV”) is defined as any act of violence or threatened act of violence against someone in a past or present intimate, familial, or household relationship, including violence that occurs between roommates. Acts of violence may include, but are not limited to, physical violence, emotional abuse, economic abuse, property damage, and other forms of sexual violence. IP/DV may consist of one act of misconduct or an ongoing pattern of behavior.<sup>6</sup>

## 6. Stalking

Stalking<sup>7</sup> is defined as an unwanted course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others or to suffer substantial emotional distress. Though stalking is usually considered a gender-based offense, stalking is prohibited even when the affected party was targeted because of membership in a different protected class or was targeted for some other reason.

In instances where stalking is found not to have been motivated by an individual’s membership in a protected class, the report may be referred elsewhere to be investigated and/or adjudicated under other University policies (such as the [Community Standards](#) for student respondents) as applicable.

## 7. Information Regarding Consent, Force, Coercion, and Incapacitation

The following concepts are integral to understanding the Comprehensive Policy.

### a. Consent

Consent is freely given, mutually understandable permission to engage in a specific sexual activity.<sup>8</sup> Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consents to that specific sexual conduct. Neither silence

---

<sup>6</sup> In Illinois, a person commits domestic battery if the person knowingly and without justification “causes bodily harm to any family or household member [or] makes physical contact of an insulting or provoking nature with any family or household member.” (720 ILCS 5/11-1.70). This definition is applicable to criminal prosecutions and Clery reporting in Illinois; however, it differs from the language used by Loyola to address violations of the Comprehensive Policy.

<sup>7</sup> In Illinois, “A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress.” (720 ILCS 12-7.3). This definition is applicable to criminal prosecutions and Clery reporting in Illinois; however, it differs from the language used by Loyola to address violations of the Comprehensive Policy.

<sup>8</sup> In Illinois, consent is defined as follows: “a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.” Additionally, a “person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct” (720 ILCS 5/11-1.70). This definition is applicable to criminal prosecutions in Illinois; however, this definition differs from the language used by Loyola to address violations of the Comprehensive Policy.

nor the absence of resistance convey consent. Consent also cannot be gained by force or coercion, and an individual who is incapacitated cannot give consent.

Whether or not consent was communicated is based on the totality of the circumstances, including the context in which the sexual activity occurred and (if applicable), how the parties may have communicated consent in the past. However, past consent for sexual activity does not automatically convey current consent for sexual activity. Similarly, consent to some sexual activity (such as kissing or fondling) cannot be presumed to extend consent for other sexual activity (such as intercourse). The existence of a current or previous dating relationship also does not establish or convey consent.

Consent can be withdrawn at any time, and once the withdrawal of consent has been clearly communicated, the sexual activity must cease immediately.

#### b. Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force may also include threats and/or intimidation (implied threats) used to overcome resistance to sexual activity (e.g., "Have sex with me or I'll hit you/harm you/humiliate you/etc."). Sexual activity that is forced is by definition non-consensual.

#### c. Coercion

Coercion is the use of pressure or manipulation to gain sexual access. Coercive behavior differs from seductive or sexually inviting behavior or the negotiation of boundaries/desires. When a person communicates that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, pressuring that person to go beyond that point can constitute coercion.

#### d. Incapacitation

Incapacitation is defined as a state in which an individual cannot fully understand or comprehend the nature or context of their decisions and/or actions. An incapacitated person cannot, by definition, consent to sexual activity because they cannot understand or appreciate the "who, what, when, where, why, or how" of the sexual activity in question. Incapacitation may result from a person consuming a large amount of alcohol or other drugs, having a mental disability, being asleep or passed out, or being involuntarily physically restrained. Incapacitation is a state beyond intoxication.

A person cannot consent to sexual activity if they are incapacitated. An individual who engages in sexual activity when that individual knows or reasonably should know that the other person is physically or mentally incapacitated has violated the Comprehensive Policy. The intoxication of a respondent, such that the respondent may not have realized the incapacity of an affected party, does not excuse such a violation.

Under Illinois law<sup>9</sup>, a minor (meaning a person under 17 years old) does not have the capacity to consent to sexual activity under any circumstances. This means that any sexual activity with a person under 17 is both a crime and a violation of the Comprehensive Policy, even if the minor wanted to engage in the activity.

### C. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. This includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by the Comprehensive Policy or related laws.

Retaliation against an individual for reporting an incident, supporting an affected party, assisting in providing information relevant to a report, or otherwise exercising one's rights under the Comprehensive Policy is a serious

---

<sup>9</sup> In Illinois, a person commits criminal sexual abuse (or other related crime) who, "commits an act of sexual penetration or sexual conduct with a victim who was...under 17 years of age..." (720 ILCS 5/11-1.50). This definition is applicable to criminal prosecutions in Illinois; however, this definition differs from the language used by Loyola to address violations of the Comprehensive Policy.

violation. Acts of alleged retaliation should be reported immediately to the EDEC and will be promptly addressed. Supportive measures may also be available to proactively protect individuals who fear that they may be subjected to retaliation for reporting, filing a formal complaint, or otherwise participating in an investigative process under the Comprehensive Policy.

## IX. Reports of Discrimination, Sexual Misconduct, or Other Related Offenses

Loyola encourages anyone who experiences misconduct under these policies to report them to the University, so that the University may respond promptly and equitably. For the purposes of the Comprehensive Policy, **reports** are distinguished from **formal complaints**, which are addressed separately in Article 1, subsection X.

The University recognizes the privacy and sensitivity of reports, and only shares information internally on a need-to-know basis when necessary to respond effectively to a report. The University also understands that for various reasons an affected party may prefer to report anonymously or to share only limited information. To ensure that accurate information and resources are provided in a timely and consistent manner, the following policies apply University-wide.

### A. Reporting Options

Any individual may report all forms of discrimination, sexual misconduct, and/or retaliation using any of the following methods. There is no time limitation on reporting allegations. However, if the respondent is no longer subject to the University's jurisdiction or if substantial time has passed since the underlying incident occurred, the University's ability to investigate, respond, and/or provide remedies may be limited.

1. **(PREFERRED OPTION)** Report concerns directly to the OEC using the publicly available [online reporting form](#) (powered by Maxient™) available at [www.luc.edu/equity](http://www.luc.edu/equity). Online reporting is available year-round, 24 hours a day, 7 days a week (including University holidays).
2. Report to the OEC via email at [equity@luc.edu](mailto:equity@luc.edu) or by emailing the Title IX Coordinator or any Deputy Title IX Coordinator at the contact information provided in Article 1, subsection III.
3. Report to the OEC via phone, in person, or by postal mail using the following directory information for the office, located at Loyola's Lake Shore Campus:  
Loyola University Chicago  
Office for Equity & Compliance  
Granada Center, Suite 403  
Chicago, IL 60626  
(773) 508-7766  
The OEC office is open year-round, Monday through Friday, from 8:30 AM – 5:00 PM CST (except for University holidays).
4. *(For concerns about a student only)* Report online or in person to the [Center for Student Assistance and Advocacy](#), under the [Office of the Dean of Students](#). The Office of the Dean of Students will in turn notify the OEC.
5. *(For concerns about a faculty or staff employee only)* Report in person, by phone, or electronically to the [Department of Human Resources](#). Human Resources will in turn notify the OEC.

All reports are acted upon promptly, and every effort is made by the University to preserve the privacy of reports. For more information about privacy, see Article 1, subsection XII.

Online reports may also be submitted anonymously. Reporting anonymously may, however, limit the University's ability to respond.

If the alleged misconduct is criminal in nature, any member of the community, including guests and visitors, may also contact Campus Safety and/or local police to make a report. Campus Safety will inform the OEC when a violation of the Comprehensive Policy is reported to them directly or from an outside source.

## 1. Anonymous Reporting

Any individual may report an incident anonymously using the [online reporting form](#) (powered by Maxient™) posted at [www.luc.edu/equity](http://www.luc.edu/equity). Depending on the nature of the anonymous report and the information provided, anonymous reports may still prompt the EDEC to file a formal complaint and investigate according to the ERP or the Grievance Process. However, it should be noted that the University's ability to offer and/or provide supportive measures, investigate the alleged incident(s), impose sanctions, provide appropriate remedies, and otherwise respond to a report is limited in cases where no affected party or complainant is identified.

## 2. Obligation of Responsible Campus Partners to Report Disclosures of Sexual Misconduct Involving Students or Minors

With very limited exceptions (see subsections (a) and (b), below), **all Loyola faculty and staff employees must report any known, disclosed, alleged, or otherwise reported (formally or informally) incidents of sexual misconduct** that satisfy any of the following criteria:

- (a) Sexual misconduct **against any individual who is currently a minor**<sup>10</sup> by any individual
- (b) Sexual misconduct **against an individual who is or was a student at the time of the incident**
- (c) Sexual misconduct **by an individual who is or was a student or employee (faculty or staff) at the time of the incident**

Faculty and staff employees and others with such a duty are referred to as “responsible campus partners,” and are to report such incidents within 24 hours of becoming aware of the incident. In order not to betray the trust of any student or other affected party, responsible campus partners should be forthright and transparent about this obligation at all times.

Reporters and/or affected parties may therefore want to consider carefully whether they share personally identifiable details with responsible campus partners, as responsible campus partners must promptly share all details of such reports they receive – including the identities of all known parties – preferably via the [online reporting form](#) (powered by Maxient™) available at [www.luc.edu/equity](http://www.luc.edu/equity).

Failure of a responsible campus partner, as described in this section, to report an incident of sexual misconduct of which they are aware is a violation of the Comprehensive Policy and may subject the responsible campus partner to disciplinary action. Note that this obligation is for reports and disclosures of sexual misconduct only, and does not apply to reports of discrimination or retaliation – although faculty and staff employees are strongly encouraged to report such incidents as well to ensure that appropriate resources and support may be provided to affected parties.

### a. Exceptions to the Obligation to Report

At Loyola, students wishing to speak to a member of the University about an experience of sexual misconduct without initiating an OEC report should contact the Sexual Assault Advocates (“Advocates”) of the Wellness Center. Advocates are the only University staff who are designated as “confidential advisors” under the ILPSVHE Act (110 ILCS 155, Section 20), and as such, Advocates can help students access available supports and resources in the University and/or in the local community without triggering a duty to have the matter reported to the OEC. Advocates can be contacted free of charge through the [Advocacy Services at the Wellness Center](#) or by calling the Advocacy Hotline at 773-494-3810 during the extended business hours posted online.

---

<sup>10</sup> For purposes of the Comprehensive Policy, “minor” means any student under 18 years of age and any non-student guests or visitors under 18 years of age at any University-sponsored or affiliated program – including camps, community programs, and special events. All employees of Loyola University Chicago are mandatory reporters of child abuse and neglect under Illinois’ Abused and Neglected Child Reporting Act (325 ILCS 5, Section 4).

In addition, the following categories of employee are also exempt from the reporting obligations of responsible campus partners in certain situations, **only when the employee is acting in the professional capacity indicated**, and subject to the limitations below:

- Licensed professional counselors and staff
- Health service providers and staff
- Catholic priests (only when offering the Sacrament of Reconciliation/“confession”) and other pastoral counselors<sup>11</sup>

Students and employees seeking confidential services off-campus may also want to consult with local community resources, such as:

- Licensed professional counselors
- Local rape crisis counselors, such as [Resilience](#) (888-293-2080) in Chicagoland
- Some local or state assistance agencies
- [Perspectives, Loyola’s Employee Assistance Program](#) (for employees and some graduate students)

It should be noted that even the above-listed individuals may have an obligation to report matters to the University, law enforcement, or others, in cases where either (a) the failure to disclose would result in a clear, imminent risk of serious physical injury to or death of any person, (b) the matter involved the alleged abuse of a minor, or (c) disclosure is otherwise required by law. Additionally, these individuals may still be required to submit anonymous statistical information to the OEC for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

### b. Safe Haven Programs

Programming around sexual assault and harassment, intimate partner and/or domestic violence, and stalking is an important educational tool. At times, it may be appropriate or reasonable to expect that students would disclose personal experiences with these topics during these programs. “Safe Haven” events are events where, even if one or more responsible campus partners are present, would not trigger an obligation to report the disclosure to the OEC. Several elements must be in place before an event can be designated as a Safe Haven event. These requirements include:

- A trained Advocate must be present for the entirety of the program
- Advertisements that label the program as a Safe Haven event
- Resources about reporting must be made available

When planning to host or facilitate a Safe Haven event (or any educational program about sexual misconduct), planners are encouraged to reach out to the [Wellness Center](#) for information about best practices. To request a trained Advocate to be present at a proposed event, please also contact the [Advocacy Coordinator in the Wellness Center](#).

## B. The University’s Initial Response to Reports

Immediately upon electronic submission of a report by any individual (whether reported by the affected party or a third party reporter) using the [online reporting form](#) (powered by Maxient™), the reporter is automatically directed to concise information, written in plain language, concerning the rights and resources available to affected parties.<sup>12</sup> These resources are also publicly available on the OEC website, at [www.luc.edu/equity](http://www.luc.edu/equity).

---

<sup>11</sup> “Pastoral counselor” here refers to a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. For assistance identifying a pastoral counselor from a non-Catholic faith tradition, contact the [Department of Campus Ministry](#), at 773-508-2200.

<sup>12</sup> Consistent with the University’s obligations under the ILPSVHE Act to provide such information to students within 12 hours of receiving an electronic report of sexual misconduct.

Unless a report is anonymous, upon receiving the report, a representative of the OEC (or DOS for students) will contact the affected party and/or third party reporter to communicate the availability of supportive measures (available regardless of whether or not they choose to file a formal complaint) and to explain the process of filing a formal complaint, as applicable to the circumstances of the reported incident. The affected party will be invited to meet with a representative of the OEC (and/or DOS, for students) to consider the affected party's wishes with respect to supportive measures and any formal complaint, and to answer any questions concerning the University's applicable policies or procedures. Affected parties will be informed that supportive measures are available regardless of whether or not they choose to file a formal complaint.

### *1. The Preliminary Review and Balancing Individual and Community Interests*

In addition to communicating information about supportive measures and formal complaints to the affected party and/or third party reporter, the OEC also conducts a preliminary review of all incoming reports. The purpose of the preliminary review is two-fold: (a) to assess the potential applicability of the Comprehensive Policy (including the ERP and/or the Grievance Process) or other University policies to the reported incident; and (b) to assess whether the EDEC must file a formal complaint independently from the affected party's wishes.

The University is largely deferential to the wishes of the affected party as to whether or not to file a formal complaint and/or pursue any available informal resolution process. However, in some circumstances the EDEC must file a formal complaint to demonstrate an appropriate response to the reported information. The decision of the EDEC to file a formal complaint and initiate the ERP or the Grievance Process, especially when doing so conflicts with the stated wishes of the affected party, will be undertaken with care and in balanced consideration of the interests of the individuals involved (affected party/complainant and respondent), the interests of the larger University community (e.g., when heightened risk factors, as defined in Article 1, subsection II, are alleged), and the interests of the institution in responding in a manner that meets its legal requirements.

Absent heightened risk factors, if the reporting/affected party does not respond to the University's outreach, declines University assistance or intervention, wishes to receive information or supportive measures only, or otherwise declines to file a formal complaint, then the OEC may document its response to the report and close the matter without initiating a formal complaint (the affected party retains the right to revisit their wishes regarding the report at a later date).

Additionally, if the EDEC determines that the alleged behavior falls outside the scope of the Comprehensive Policy or would otherwise more appropriately be addressed by another University department (such as Human Resources or the Office of Student Conduct & Conflict Resolution), the report may be referred to the other department to be addressed.

### *2. Supportive Measures*

When applicable, Loyola will offer and/or implement appropriate and reasonably available supportive measures for reporters, affected parties, complainants, respondents, and/or witnesses in response to a report or complaint of alleged discrimination, sexual misconduct, or other related offenses.

Supportive measures are non-disciplinary, and are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening other parties, including measures designed to protect the safety of all parties or the University's educational environment, or deter prohibited conduct. The University treats supportive measures as private, provided that privacy does not impair the University's ability to implement the supportive measures. Supportive measures are available independently of whether a formal complaint is filed by the affected party or the EDEC, and are provided at no cost to parties.

Supportive measures may include, but are not limited to:

- Referral to counseling, medical, advocacy, and/or other health services
- Referral to the Employee Assistance Program (for employees)
- Mutual restrictions on contact between parties (see No Contact Directives, below)
- Advocating to faculty for adjustments to academic deadlines, course schedules, etc.
- Student financial aid counseling



- Education to the community or community subgroup
- Altering campus housing situation
- Altering work locations or arrangements for employees or student-employees
- Safety planning
- Providing transportation/parking assistance
- Referral for academic support
- Referral for visa or immigration assistance

### No Contact Directives

Upon receipt of a report or complaint of alleged violation of the Comprehensive Policy, the EDEC (or a designee) may implement mutually applicable restrictions preventing contact of any kind between two or more parties. Such a measure, referred to as a No Contact Directive (“NCD”) is non-disciplinary in nature and does not suggest any presumption of responsibility for the alleged violation(s). NCDs may be implemented at the initiative of the EDEC or at the request of a complainant, respondent, or other relevant individual, when warranted.

In all cases in which a NCD is implemented, the relevant parties will be promptly informed in writing of the conditions, duration, and applicable parameters of the restriction. Violation of a NCD issued under the Comprehensive Policy may be grounds for additional informal or formal intervention, including disciplinary action.

### 3. Limitations on University Activities or Access

The University may place interim limits or restrictions on a student or registered student organization or place an employee on paid or unpaid administrative leave when, in the judgment of the EDEC and following an individualized safety and risk analysis, an immediate threat to the physical health or safety of any student or other individual arises from allegations of misconduct under the Comprehensive Policy. Such an emergency measure is referred to generally as a Limitation on University Activities or Access (“LUAA”).

As a condition of a LUAA, a student or employee may have limited or no access to any or all of the following: University housing; campuses (or parts of campuses); specific facilities or information systems; and/or University academic offerings, social activities, programs, or events. The University will determine the parameters of a LUAA based on the individualized safety and risk analysis.

When a LUAA is implemented that restricts an individual student on an emergency basis, the restricted student will be promptly notified and provided the opportunity to request an administrative review of the decision. When requested by an undergraduate student, the review will be conducted by the Vice President for Student Development (or designee); when requested by a graduate student, the review will be conducted by the Vice Provost for Graduate Education (or designee). A review of a LUAA is not a hearing or investigation regarding the merits of any underlying allegation(s); rather it is an administrative review of the LUAA decision alone, to determine whether the LUAA is appropriate under the circumstances. The University may re-evaluate a LUAA at any time to consider its continued necessity.

Violation of a LUAA issued under the Comprehensive Policy may be grounds for additional informal or formal intervention, including disciplinary action.

### C. Good Samaritan and Medical Amnesty Protocol (Students Only)

Loyola encourages students to report all incidents of discrimination, sexual misconduct, and retaliation. Sometimes, students in particular may be hesitant to report such matters to University officials or participate in resolution processes because they fear that they themselves may become subject to disciplinary action for their own misconduct, such as an underage student who was drinking alcohol when they were sexually assaulted. To encourage reporting and alleviate such barriers, Loyola maintains the *Good Samaritan and Medical Amnesty Protocol*, which offers protections against some disciplinary action for certain students who come forward to report or otherwise assist with crises involving sexual misconduct and other specific circumstances. More information about the Good Samaritan and Medical Amnesty Protocol can be found in the [Community Standards](#).

## D. False Reports, Allegations, or Information

Deliberately submitting a false report, filing a false complaint, or intentionally providing materially false information in bad faith by any affected party, complainant, witness, or respondent in relation to the policies and procedures of the Comprehensive Policy are serious offenses and may subject the offender to disciplinary action. Such offenses are distinct from erroneous and/or inaccurate allegations or information made or provided in good faith.

Disciplining an individual under any applicable University policy (such as the Community Standards, for students) for making a materially false statement in bad faith in the course of a proceeding under the Comprehensive Policy does not constitute retaliation by the University. However, a determination of responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## X. Formal Complaints

Affected parties may be satisfied with receiving resources and supportive measures provided upon the University's response to a report, and may not intend or desire to pursue further intervention facilitated by the University. However, in cases where an affected party intends to initiate the University's intervention to investigate, adjudicate, or otherwise resolve an incident of alleged misconduct, the affected party must file a formal complaint, and is thereafter referred to as a "complainant." A formal complaint may be initiated for any alleged conduct that, if supported by evidence, would constitute a violation of the Comprehensive Policy.

The EDEC may also file a formal complaint irrespective of the wishes and/or participation of the affected party when deemed necessary by the EDEC to demonstrate appropriate responsiveness to a report. The decision of whether or not to initiate a formal complaint under such circumstances is at the discretion of the EDEC. When the University proceeds with a formal complaint irrespective of the wishes and/or participation of the affected party, all parties will be informed, and any affected party (i.e., potential complainant) may individually elect at any time prior to the resolution of the matter to participate as a complainant in the applicable resolution process.

Formal complaints of alleged Title IX sexual harassment and formal complaints of other misconduct are distinguished as follows, in accordance with Title IX:

### A. ERP Complaints

ERP complaints are formal complaints of any alleged discrimination, sexual misconduct, retaliation, or other related offenses under the Comprehensive Policy, except for allegations that meet the definitional and jurisdictional requirements of Title IX sexual harassment under the law. ERP complaints must be filed by either (a) the affected party, who becomes a "complainant" upon filing,<sup>13</sup> or (b) by the EDEC.

Any individual who is an affected party/complainant can file an ERP complaint alleging misconduct under the Comprehensive Policy. The EDEC may also file an ERP complaint in response to a report when determined necessary.

An ERP complaint may be filed with the EDEC using the [online ERP complaint form](#) (powered by Maxient™; the preferred method) or in person, by mail, or by email, by using the contact information for the OEC found in Article 1, subsection III. An ERP complaint filed by a complainant must contain the complainant's physical or digital signature, or otherwise indicate that the complainant (or legal guardian) is the person filing the ERP complaint. Where the EDEC files an ERP complaint, the EDEC does not become a complainant or otherwise a party to the case.

ERP complaints may be addressed via informal resolution options described in Article 1, subsection XI, or according to the ERP as described in Article 2.

---

<sup>13</sup> In cases of an affected party/complainant who is a minor (under the age of 18), an ERP complaint may also be filed by a parent or legal guardian on behalf of the complainant.



## B. Grievance Process Complaints

Grievance Process complaints are formal complaints of alleged misconduct that meet the definitional and jurisdictional requirements of Title IX sexual harassment under the law. According to Title IX, Grievance Process complaints must be addressed according to specific procedural requirements. Grievance Process complaints must be filed by either (a) the affected party, who becomes a “complainant” upon filing,<sup>14</sup> or (b) by the EDEC.

At the time of filing a Grievance Process complaint, the complainant must be participating in or attempting to participate in the University’s education program or activity, and must allege Title IX sexual harassment by an individual respondent (or individual respondents) that occurred in the United States.

A Grievance Process complaint may be filed with the EDEC using the [online Grievance Process complaint form](#) (powered by Maxient™; the preferred method) or in person, by mail, or by email, by using the contact information found in Article 1, subsection III. A Grievance Process complaint filed by a complainant must contain the complainant’s physical or digital signature, or otherwise indicate that the complainant (or legal guardian) is the person filing the formal complaint. Where the EDEC files a Grievance Process complaint, the EDEC does not become a complainant or otherwise a party to the case.

Grievance Process complaints may be addressed via informal resolution options described in Article 1, subsection XI, or according to the Grievance Process as described in Article 3.

## XI. Informal Resolution Options

Informal resolution options may be available in certain circumstances prior to reaching a determination regarding the respondent’s responsibility, when both parties agree and when the EDEC determines that the matter is appropriate for informal resolution.

Before initiating any informal resolution process (including mediation, restorative justice, directed discussions, no contest resolutions, and other negotiated resolutions), the University must provide to all parties a written notice disclosing the allegations, the requirements of the informal resolution process, and any consequences resulting from participating in the informal resolution process (including the records that will be maintained or could be shared).

General information about the availability of informal resolution may be included in the University’s responsive communications to reports and/or formal complaints, but informal resolution may only be requested by a party upon or after the filing of a formal complaint.

Additionally, both/all parties must provide voluntary, written consent to informal resolution for the University to proceed with facilitating informal resolution; the University may not require or compel any party to participate in an informal resolution process; and informal resolution is never available to resolve allegations that an employee engaged in Title IX sexual harassment towards a student.

At any point prior to resolving a matter through informal resolution, any party may withdraw from the informal resolution process and resume the ERP or the Grievance Process (as applicable) with respect to the formal complaint. However, once a matter has been resolved through informal resolution, it may not be raised again.

Informal resolution may be facilitated internally by a trained and qualified University staff member or externally by an outside organization, such as the [Center for Conflict Resolution](#), with logistical support provided by the OEC. Parties interested in exploring the possibility of informal resolution should discuss these options with the EDEC or designee.

---

<sup>14</sup> In cases of an affected party/complainant who is a minor (under the age of 18), a Grievance Process complaint may also be filed by a parent or legal guardian on behalf of the complainant.

## A. Mediation

Mediation<sup>15</sup> is a voluntary, confidential, participant-focused, and structured dialogue facilitated by a neutral and impartial mediator, where parties' needs and interests are explored without judgement to reach a mutually agreeable resolution.

The EDEC determines if mediation is appropriate based on the interest/willingness of the parties, the nature of the conduct at issue, and the amenableness of the conduct to such a process. Disciplinary sanctions are not assigned as a result of mediation, although if all parties agree to any remedy or other course of action the resolution agreement will be documented and become binding upon the parties. The OEC only maintains records of any final agreement that is reached, and has a limited role in implementing and enforcing agreed upon resolutions.

Mediation may not be used to address reports of violent conduct of any kind or where a respondent appears to present an ongoing threat to the University community. However, mediation may be made available after the resolution of a formal complaint, if the parties and the EDEC believe it could help repair harm. Mediation is never used in cases of sexual assault (as defined in Article 3, subsection I(A)(3)(a)).

## B. Restorative Justice Conferencing

Restorative justice ("RJ") is an alternative framework for promoting justice that – in circumstances where the respondent accepts responsibility for causing harm – focuses on the harm rather than the guilt or responsibility of the respondent. A restorative justice conference (or "RJ conference") is one restorative practice where the party who experienced harm, the party who caused harm, and a representative of the University community (represented by a staff member of the University), come together to discuss the perspectives, feelings, needs, and expectations of each party. The intent of RJ conferencing is to acknowledge and understand the harm caused and to work collaboratively to identify ways to repair that harm and restore community.

The EDEC determines if RJ is appropriate based on the interest/willingness of the parties, the nature of the conduct at issue, and the amenableness of the conduct to such a process. Disciplinary sanctions are not assigned as a result of RJ, although if all parties agree to any remedy or other course of action, the resolution agreement will be documented and become binding upon the parties. The OEC only maintains records of any final agreement that is reached and has a limited role in implementing and enforcing agreed upon resolutions.

RJ may not be used to address reports of violent conduct of any kind or where a respondent appears to present an ongoing threat to the University community. However, RJ may be made available after the resolution of a formal complaint, if the parties and the EDEC believe it could help repair harm. RJ is never used in cases of sexual assault (as defined in Article 3, subsection I(A)(3)(a)).

## C. Directed Discussion

At times, a party may request that the University take only a very limited role in addressing alleged misconduct. For example, a complainant who does not want to subject a respondent to the possibility of discipline may request assistance in notifying the respondent how the alleged behavior affected the complainant and/or request a change in the respondent's future behavior.

When appropriate, the EDEC may approve a directed discussion as a way to communicate the perspective of an affected party to a respondent without engaging the ERP or the Grievance Process. To this end, the EDEC or designee may, after notifying the respondent that a formal complaint has been filed, request a meeting with the respondent to discuss the complainant's perspective and requested change in behavior or other responsive action from the respondent. The respondent is thereby made aware that the University has received a formal complaint involving them, although they will not be subject to disciplinary action. In this manner, a complainant may

---

<sup>15</sup> Mediation as referenced in the Comprehensive Policy is distinct from mediation as provided for under some collective bargaining agreements, the latter of which is not governed by the Comprehensive Policy.

communicate their perspective; the respondent may be made aware of the allegation(s); and the University may satisfy its obligation to address every formal complaint equitably and appropriately to the circumstances at hand.

Directed discussions are non-disciplinary in nature, and do not result in sanctions or other corrective action. However, because a non-disciplinary record is still generated and maintained by the OEC as a result of a directed discussion, the respondent may elect to respond in writing for the record if desired. The response may be shared with the affected party, depending on the wishes of the parties.

## D. No Contest Resolution

Where the facts alleged in a formal complaint are not contested, where the respondent has admitted or wishes to admit responsibility, or where both parties want to resolve the case without a completed investigation or adjudication, the case may be eligible for No Contest Resolution. The EDEC determines if No Contest Resolution is appropriate based on the interest/willingness of the parties, the nature of the conduct at issue, and the amenableness of the conduct to such a process. No Contest Resolution must be agreed upon, voluntarily and in writing, by both parties and approved by the EDEC.

Under the No Contest Resolution process, the available evidence is documented in a report and both parties are afforded the opportunity to meet separately with a designated decision-maker (from the pool of CPAs) prior to the determination of sanctions. The decision-maker determines appropriate sanctions based on the uncontested formal complaint, the respondent's disciplinary history within the institution (if any), and the discussions (if applicable) with each party. The decision-maker's determination of sanctions (only) is subject to appeal, following the procedure that would have been applicable had the formal complaint been resolved through the ERP or the Grievance Process.

## E. Other Negotiated Resolution

The EDEC, with the written consent of both parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Such resolution is highly case-specific and depends on the individual circumstances of the report. In all cases, however, the general requirements for all informal resolution options will apply.

## XII. Privacy and Recordkeeping

All reports, formal complaints, and proceedings that arise under the Comprehensive Policy are understood to be sensitive and private. All persons participating in or administering those proceedings are expected to maintain the privacy of the proceedings.

The University reserves the right to designate which University officials have a need to know about incidents that fall within the Comprehensive Policy, in compliance with the Family Educational Rights and Privacy Act ("FERPA") and other applicable laws<sup>16</sup>. Also in accordance with FERPA, the University reserves the right to notify parents/guardians of students regarding any health or safety risk, change in student status, or conduct situation, when such notifications are permitted by law, such as when a significant and articulable health and/or safety emergency is present.

Parties themselves retain the right to discuss allegations under investigation, but should exercise caution and care if they choose to discuss their experience outside of the processes referenced under the Comprehensive Policy, as spreading inaccurate information intentionally or maliciously may constitute harassment, retaliation, or other

---

<sup>16</sup> Any party utilizing a university employee/official as their advisor (when applicable) must grant explicit permission for the employee to serve in the advisor role. Serving as a party's advisor does not grant an employee a "need to know" as otherwise described in this section. Likewise, an employee with a designated need to know about incidents reported is not, by extension, granted permission to be present during investigatory or adjudicatory proceedings.

violations. Additionally, parties may be subject to restrictions on sharing evidence or other sensitive documentation or records.

The University retains records of allegations, investigations, proceedings, and training materials for a minimum of seven years. Some records, such as expulsions or employee records, may be retained longer. Records related to reports or formal complaints of Title IX sexual harassment are subject to additional recordkeeping policies, which are described in Article 3, subsection XII.

## A. Federal and State Statistical Reporting Obligations

Certain campus officials – those deemed “Campus Security Authorities” under the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (the “Clery Act”) – have a duty to report the following for federal statistical reporting purposes:

- All “primary crimes,” which include all criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- VAWA-based crimes<sup>17</sup>, which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor related law violations, and drug abuse-related law violations.

All personally identifiable information is withheld, but statistical information must be passed along to Campus Safety regarding certain types of incidents and their general location (on- or off-campus, in residential housing, in the surrounding area, etc., but with no addresses provided) for publication in the Annual Security Report and daily campus crime log. Similar information must also be shared annually with the Illinois Office of the Attorney General under the ILPSVHE Act.

The information to be shared under the Clery Act includes the date, the location of the incident (using Clery Act location categories), and the Clery Act crime category. The information to be shared under state law also includes what actions were taken by the University in response to the report. All such reporting is conducted in a manner that protects the identities of all parties. These reports help to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

## B. Federal Timely Warning Obligations

Parties reporting misconduct under the Comprehensive Policy should be aware that under the Clery Act, Campus Safety administrators must issue timely warnings for incidents reported to the University that pose a substantial threat of bodily harm or danger to members of the campus community. In such cases, the University ensures that an affected party’s name and other personally identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## XIII. Revision of the Comprehensive Policy

The University reserves the right to revise, update, or otherwise change this Comprehensive Policy at any time as necessary, and once the changes are published online at [www.luc.edu/equity](http://www.luc.edu/equity), they are in effect.

If government laws, regulations, or court decisions change the University’s legal requirements in a way that affects the Comprehensive Policy, the Comprehensive Policy will be construed to comply with the most recent government regulations. This document does not create legally enforceable protections beyond the protection of Illinois state and federal laws.

---

<sup>17</sup> VAWA is the Violence Against Women Act, first enacted in 1994 and codified in part at 42 U.S.C. 13701-14040.

## Article 2: Equitable Resolution Procedures

---

The ERP is intentionally broad in its scope and application, informed by the University's mission and values and in compliance with applicable laws. As described in Article 1, the University's response to reports is oriented towards informing the affected party of available supportive measures and the *option* to file a formal complaint, while ensuring that the University takes appropriate action when necessary.

Upon filing of an ERP complaint, whereby an affected party (now "complainant") or the EDEC has formally requested that the University take action to investigate and adjudicate a respondent who is a student, faculty, or staff member, the University employs the ERP to thoroughly, fairly, and impartially assess the available evidence and implement an appropriate response.<sup>18</sup>

### I. When the ERP is Applicable

#### A. Prohibited Conduct Actionable Under the ERP

The ERP may be applied upon the filing of an ERP complaint by a complainant or by the EDEC that alleges misconduct under the Comprehensive Policy, except for allegations that meet the definitional and jurisdictional requirements of Title IX sexual harassment (see Article 3, subsection I). The ERP may also be applied to resolve allegations of prohibited conduct that have been dismissed by the EDEC for not satisfying the definitional and jurisdictional requirements of Title IX sexual harassment.

#### B. Other Misconduct

The ERP may also be used to address other misconduct as prohibited by other University policies, such as the [Community Standards](#) (for students) or the [Faculty Handbook](#), collecting bargaining agreement, or [Employee Staff Handbook](#), as applicable, when the allegations arise from the same facts and circumstances as alleged misconduct under the Comprehensive Policy. However, allegations of other misconduct that are unrelated to any alleged violation of the Comprehensive Policy are instead referred elsewhere to be addressed under other University processes, as applicable.

### II. General ERP Information

The following information applies to the ERP following receipt by the OEC of an ERP complaint.

#### A. Evidentiary Standard and Burden of Proof

A preponderance of the evidence is the evidentiary standard used at Loyola to determine whether a respondent is responsible for violating the Comprehensive Policy. This standard requires that the totality of the evidence, considered impartially, must indicate that it is more likely than not that the Comprehensive Policy was violated.

Determinations of responsibility are not made until the end of the ERP, when the investigator has made a finding as documented in the Final Investigation Report. Unless and until a respondent is determined to be responsible by a preponderance of the evidence for a policy violation at the conclusion of the ERP, the University operates with the presumption that the respondent is not responsible for the reported misconduct.

The burden of proof and the burden of gathering evidence sufficient to reach an informed determination regarding responsibility rest with the University and not with the parties.

---

<sup>18</sup> Complaints alleging Title IX sexual harassment, however, are addressed according to the procedures set forth in Article 3.

## B. Equitable Treatment of Complainants and Respondents

Complainants and respondents are treated equitably under the ERP. This means:

- All relevant evidence is evaluated objectively, including evidence that suggests responsibility and evidence that suggests no responsibility.
- Credibility determinations are not to be based on a person's status as a complainant, respondent, or witness.
- Both complainants and respondents may request appropriate and reasonably available supportive measures, ranging from referrals for counseling to facilitated academic/housing/transportation/workplace modifications. For a full description of available supportive measures, see Article 1, subsection IX(B)(2).
- Both parties whose participation is invited or expected are provided written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.
- Complainants are provided appropriate remedies where a respondent is found responsible for an alleged violation.
- Respondents are provided a fair and impartial process under the ERP before the imposition of any sanctions or other responsive interventions that are not supportive measures.

## C. Comprehensive Policy Administrators and the ERP

All CPAs who are involved in the facilitation and resolution of the ERP, including the EDEC, deputy coordinators, investigators, administrative resolution officers, appeal administrators, and informal resolution facilitators, may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Such individuals receive training in compliance with the requirements of state and federal laws. For more information about CPAs, see Article 1, subsection III(A).

## D. Timely Resolution of the ERP

The University strives to resolve all ERP complaints in a prompt and timely manner; however, the precise timeline for an ERP case may vary based on the circumstances at hand.

The ERP may be delayed and/or individual time frames may be extended to a limited extent for good cause and with written notice to the parties of the delay or extension and the reasons therefor. Good cause may include various considerations, including but not limited to, the absence of a party, or a witness; extraordinary complexity or scope of the case; concurrent law enforcement activity<sup>19</sup>; or the need for language/translation assistance; or accommodations for disabilities or health conditions.

Throughout any delay or extension, the University may implement supportive measures as deemed appropriate, and parties are periodically updated on the status of their case.

## E. ERP Advisors (for Students Only)

An ERP advisor for students only (referred to in this subsection only as "advisor") is a person who may accompany a student or recognized student organization who is an affected party, complainant, or respondent during any

---

<sup>19</sup> It should be noted that the ERP is entirely distinct from civil or criminal proceedings; accordingly, the ERP is not typically delayed or precluded due to pending civil or criminal charges or the dismissal or reduction of such charges. However, the University seeks to cooperate with law enforcement personnel to ensure that University processes do not interfere with law enforcement activity.

meeting or proceeding related to a report or ERP complaint. Advisors are strictly optional, and the choice of whether or not to utilize an advisor is up to each party.

Student complainants and respondents involved in the ERP may be accompanied by one advisor of their choice, provided that the selection of the advisor does not cause an undue delay of the ERP.<sup>20</sup> It is the responsibility of each party to coordinate scheduling with their advisor for any meetings. The University will not delay meetings or proceedings to accommodate an advisor's availability.

An advisor may not speak, write, or otherwise communicate on behalf of a party. Advisors may not engage in behavior or communications that harass, abuse, or intimidate any party, witness, or other individual involved in the matter. Advisors who do not abide by these guidelines may be removed from any meeting and excluded from serving in an advisor role, and the process may continue without an advisor present.

An advisor may be any person of the party's choosing, including an attorney. When an advisor is also an attorney, this must be disclosed to the University, and the advisor is still limited to the supportive and non-representative role described above. An attorney of the University's choosing may also attend any proceeding whenever an attorney serving as an advisor is present.

Any student party may request assistance from the OEC in identifying an available advisor (this is not available to parties who are faculty or staff employees). However, the University cannot ensure or guarantee the quality or availability of any University-provided advisor.

Advisors are expected to maintain the privacy of any records shared with them. Such records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University, unless required by law. The University may restrict the role of any advisor who does not respect the sensitive nature of the ERP or who fails to abide by the University's privacy expectations.

## F. Accommodation for Disabilities in the ERP

Loyola is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the ERP. Anyone needing such accommodations or support should inform the EDEC, who may connect the individual with the SAC (for students) or Human Resources (for employees) to evaluate any requests and, in consultation with the person requesting the accommodation and the EDEC, determine what accommodations are appropriate and necessary for full participation in the process.

# III. Notice, Dismissal, and Consolidation of ERP Complaints

## A. Notice of Investigation upon Receipt of ERP Complaint

Before any investigator initiates contact with the parties, the EDEC or designee provides written Notices of Investigation ("NOIs") to each party. NOIs include a summary of the allegations, including (if known) the identity of the parties involved, the nature of the alleged misconduct, the date and location of the alleged incident(s) (if known), the specific policies implicated, a description of the applicable University procedures, a reminder that retaliation is prohibited, and a statement of the potential sanctions that could result.

NOIs also identify the assigned investigator and provide parties the opportunity to raise any concerns regarding a conflict of interest before the parties are contacted by the investigator. The EDEC, investigator, or other designee may inform parties of additional allegations or other material changes to the scope of the investigation by providing an updated or modified NOI.

---

<sup>20</sup> Faculty and staff employee complainants and respondents may also be accompanied by an ERP advisor when provided for by other University policies or procedures or required by law. For example, for employees who are members of a union, a union representative may serve as an ERP advisor where applicable; and nothing in this section will limit or abridge rights otherwise afforded under a collective bargaining agreement.



NOIs are provided in writing and are typically delivered by email to the parties' University-issued email accounts, but may also be delivered in person or mailed to the local or permanent addresses of the parties on file with the University. Once emailed, mailed, and/or received in-person, notice is presumptively delivered.

When the respondent is a faculty or staff employee, the employee's department chair, dean, director, supervisor, and/or Human Resources manager may also be notified that an ERP complaint has been filed. Such information will be treated as private, but is necessary to ensure that supervisory employees are informed and prepared for any potential operational disruption.

## B. Dismissal

If, during the preliminary review or at any point during an ERP investigation, the investigator determines that the alleged behavior, even if substantiated, would not constitute a violation of the Comprehensive Policy, the University may end the process immediately, dismiss the complaint, and notify the parties simultaneously and in writing.

Upon such a notification, either party may request that the EDEC review the dismissal and/or re-open the investigation. The EDEC will review the decision and consider the case for reopening/resuming the investigation. The EDEC's decision is final and not subject to appeal.

## C. Consolidation

The University may, but is not required to, consolidate formal complaints as to allegations of prohibited conduct under the Comprehensive Policy against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party (including "cross-claims" brought by a respondent against a complainant), where the consolidated allegations arise out of the same facts or circumstances.

Investigators and hearing administrators are trained to impartially review distinct sets of facts to negate any prejudicial impact of knowing about multiple, related allegations. In all instances, separate determinations of responsibility will be made for each distinct alleged policy violation against each respondent.

Where the ERP involves more than one complainant or more than one respondent, references in Article 2 to the singular "party," "complainant," or "respondent" include the plural, as applicable.

### *Cross-Claims*

The University permits a respondent to submit a cross-claim (a report alleging that the complainant violated the Comprehensive Policy instead of or in addition to the original respondent), but uses the preliminary review, described in Article 1, subsection IX(B)(1), to assess whether the cross-claim was made in good faith. The University is obligated to ensure that the resolution process is not abused for retaliatory purposes.

Cross-claims determined to have been reported in good faith may be processed using the ERP. Investigation of such claims may take place after resolution of the underlying allegation, in which case a delay may occur. Cross-claims may also be resolved through the same investigation as the underlying allegation, at the discretion of the EDEC. When cross-claims are not made in good faith, they will be considered retaliatory, and may constitute a separate violation of the Comprehensive Policy.

## IV. ERP Investigations

ERP investigations include the thorough and impartial collection, review, and analysis of all available evidence by one or more impartial investigators, and concludes with the investigator making a finding of either "responsible" or "not responsible" for each alleged violation based on the application of the Comprehensive Policy to the evidenced facts. The investigation phase is overseen and conducted by OEC staff, except in the rare occurrence that a conflict of interest or other logistical concern causes the University to utilize an outside consultant or expert to facilitate the investigation. In such occurrences, all policies, procedures, and standards in the Comprehensive Policy will apply. If an investigation results in no finding of responsibility, then the complaint is resolved (and may be subject to appeal).



If the investigation results in one or more findings of responsibility, then the case is promptly referred for administrative resolution to an appropriate administrative resolution officer (“ARO”), based on the classification of the respondent (i.e., student, faculty employee, or staff employee). The ARO determines appropriate sanctions for the respondent based on the severity of the violation and other factors.

Investigations are thorough, reliable, impartial, prompt, and fair to both parties, and may involve interviews with relevant parties and witnesses; obtaining and reviewing available, relevant evidence; identifying sources of expert information; and other investigative steps, as needed.

## A. Assignment of Investigators

Once an affected party decides to initiate a formal complaint, the EDEC appoints one or more investigators from the pool of CPAs (typically from among the OEC staff) to conduct the investigation. The investigator is presented with the information known to the EDEC and begins preparing for the investigation.

No individual materially involved in the investigation or resolution of a complaint may have or demonstrate a conflict of interest or bias towards either complainants or respondents generally, or towards any specific party. Parties may raise a concern regarding bias or a conflict of interest at any time, at which point the EDEC or designee will determine whether the concern is reasonable and supportable. If so, another ERP administrator will be assigned and the impact of the bias or conflict, if any, will be remedied.

## B. Evidentiary Considerations

Though investigations vary in nature based on the context of the underlying allegations, parties have a full and fair opportunity to present evidence and to review and respond to all relevant evidence that will be relied on by any investigator or other ERP administrator in making a decision.

Formal rules of evidence do not apply. Any evidence that the investigator believes is relevant and credible may be considered, with the following exceptions: (1) other incidents not directly related to the possible violation, unless they evidence a pattern or cumulative impact on a protected class in the aggregate; (2) the sexual history of an individual (though a limited exception may be made regarding sexual history between parties when related to past practices of communicating consent); or (3) the general character of an individual (as distinct from evidence that goes towards credibility, which may always be considered).

The investigator is responsible for addressing any evidentiary concerns prior to and/or during the investigation, and the investigator may exclude irrelevant or immaterial evidence and/or disregard evidence lacking in credibility or that is improperly prejudicial. The investigator will consult with the EDEC on all questions of procedure and evidence.

## C. Interviews and Exchanges with Primary Parties

One of the most critical investigative steps is meeting with and interviewing the primary parties in a case (complainant and respondent). The purpose of these interviews includes collecting as much information as possible about the relevant details of the allegation(s); asking probing and clarifying questions; soliciting suggested witnesses or other individuals with whom the investigator may wish to follow up to corroborate information; reviewing and exploring available relevant documentation or other physical evidence (including video footage, digital communications, photographs, etc.); and assessing the credibility of the parties.

Investigative interviews may be conducted in-person or remotely/virtually, using available audiovisual technology such as Zoom™. Parties are interviewed separately, as the University maintains that the ERP is an administrative, non-adversarial process, separate and distinct from any criminal or civil court process. To afford both parties the opportunity to present questions of one another, the investigator invites parties to propose questions that they believe should be asked of other parties or witnesses. Such questions must be submitted in writing to the investigator before the conclusion of the investigation phase.

Upon receipt of requested/proposed questions, the investigator either (a) presents the question (re-worded as needed) to the intended party/witness, or (b) indicates to the requesting party the reasons why the question will

not be asked. The investigator has absolute discretion to determine which questions are relevant to the investigation and may decline to pose or permit certain questions. Responses to questions – including a refusal to answer a given question – are noted and included in the final investigation report.

## D. Witnesses

Parties may suggest witnesses to be interviewed and propose questions they wish the investigators to ask of the witnesses or of the other party. Investigators are not compelled to interview all suggested witnesses, but will provide a rationale in circumstances whenever they elect not to interview a proposed witness.

Witnesses (as distinguished from the parties) who are students or faculty or staff employees are expected to cooperate with and participate in the University's investigation and administrative resolution processes. Failure of such witnesses to cooperate with and/or participate in good faith in an investigation – absent good cause such as a superseding safety interest – may warrant discipline.

Investigative interviews may be conducted in-person or remotely/virtually, using available audiovisual technology such as Zoom™.

## E. Multiple-Party Cases

In allegations involving more than one respondent or where multiple complainants have alleged substantially similar misconduct by the same respondent, the University reserves the right either to investigate and resolve the allegations jointly, or to investigate and resolve them separately. Investigators and administrative resolution officers are trained specifically to impartially review distinct sets of facts to negate any prejudicial impact of knowing about multiple, related allegations. In all instances, separate determinations of responsibility will be made for each allegation against each respondent.

## F. Recording of Interviews

No audio or video recording of any kind is permitted by anyone other than the investigator(s), during any meetings or interviews associated with the ERP. If investigator(s) elect to audio and/or video record interviews, all parties present are first made aware of and must consent to the recording. Investigators' recordings remain a part of the case file through the final resolution of the matter (including any applicable appeal), and may be accessed as needed by any ERP administrator who takes part in the process (including appellate officers).

## G. Preliminary Investigation Report

Prior to the conclusion of the investigation, investigators may draft a preliminary investigation report ("PIR") that includes the evidence obtained as part of the investigation that is directly related to the reported misconduct and will be relied on in making a decision. The PIR contains an investigative timeline and summaries of all interviews conducted. Parties are encouraged to inspect and review the PIR, so that each party may meaningfully respond to the sum of the evidence prior to the conclusion of the investigation.

Parties are invited (though not required) to review the PIR and provide a written response to the report within five business days. Upon receiving responses from either party, the investigator may respond and/or may share information in the response with the other party to solicit additional information, or may otherwise conduct further inquiry as needed. Investigators then add any additional relevant information to the PIR and finalize the investigation by converting the PIR to a final investigation report (see Article 2, subsection IV(I)).

## H. Acceptance of Responsibility

The respondent may accept responsibility for all or some of the alleged policy violations at any point during an investigation or resolution of a complaint. If a respondent accepts responsibility for all of the alleged misconduct, such an acceptance is noted in the final investigation report (as described in Article 2, subsection IV(I)), a finding of responsibility is entered, and the matter is promptly referred to an appropriate ARO, who determines sanctions.

If the respondent only accepts responsibility for some of the alleged policy violations, then the investigator notes the acceptance of responsibility and focuses the remainder of the investigation on the remaining, contested, allegations. Any such acceptance is noted in the final investigation report as distinct from an investigator's findings regarding contested allegations.

## I. Final Investigation Report and Notice of Findings

Upon the conclusion of the investigation, the investigator converts the PIR to a comprehensive final investigation report ("FIR") by including a thorough credibility assessment of the parties and witnesses and a balanced analysis of the facts as supported by available evidence. Credibility determinations may not be based in any way on an individual's mere status as a complainant, respondent, or witness.

The FIR concludes with the investigator's findings, based on the investigator's professional expertise and understanding of the Comprehensive Policy as applied to the relevant facts under a preponderance of the evidence standard. The FIR clearly indicates whether the respondent is found to be **RESPONSIBLE** or **NOT RESPONSIBLE** for each allegation, and these findings are accompanied by an analysis and rationale.

Once the FIR has been reviewed and finalized, the investigator, EDEC, or other designee, sends the parties a written notice of findings ("NOF"), informing the parties of the outcome of the investigation and either referring the matter for administrative resolution and/or informing the parties of their rights to appeal (if applicable). Included in the NOF is an invitation to the parties to arrange to review the full FIR upon request.

When a respondent is found responsible for one or more alleged policy violations, the matter is promptly referred for administrative resolution as described in Article 2, subsection V. When a respondent is found not responsible for all alleged policy violations, the parties are instead informed of the findings and their respective rights to appeal, if any.

## V. Administrative Resolution

"Administrative resolution" is a general term used to describe the various processes by which the University resolves a formal complaint, after a finding of responsibility has been made. Administrative resolution processes may be governed by the [Community Standards](#), [Faculty Handbook](#), collective bargaining agreement, or [Employee Staff Handbook](#), as applicable, depending on whether the complaint is against a student, faculty employee, or staff employee. An administrative resolution officer ("ARO") is a general term to describe trained and qualified individuals who have a role in these processes. For cases involving allegations against faculty or staff employees, nothing in this subsection provides additional recourse beyond the processes outlined in the [Faculty Handbook](#), collective bargaining agreement, or [Employee Staff Handbook](#), respectively.

At the conclusion of an investigation, parties are informed of the name and contact information for any ARO to whom the case is being referred. The EDEC may also, at their own discretion, provide the ARO with non-binding recommendations or other information to assist with the administrative resolution.

### A. General Considerations During Administrative Resolution

In each of the formats indicated in Article 2, subsection V(B), the following principles apply:

- An investigative finding of responsibility may not be modified at the administrative resolution phase.
- The purpose of administrative resolution is to identify an appropriate and proportional responsive intervention(s) upon a finding of responsibility that is reasonably designed to stop the substantiated misconduct, prevent its reoccurrence, and remedy its effects.
- Any evidence that the ARO believes is relevant and credible may be considered, including respondent's prior conduct/employment history and any evidence indicating a pattern of misconduct. Previous disciplinary action of any kind involving the respondent may be considered in determining the appropriate assigned outcome(s).
- The University is committed to ensuring equity for both parties throughout the administrative resolution process.

- AROs may consult with the investigator, EDEC, and/or other OEC staff anytime as needed.

## B. Administrative Resolution Formats Based on Respondent Classification

Each administrative resolution format is referenced briefly here, but parties should also consult with the respective source of authority for additional information and details. Allegations involving student-employee respondents or other respondents who hold dual classifications will be routed to the most appropriate administrative resolution format depending on the individual context of the alleged misconduct, at the discretion of the EDEC.

### 1. *When the Respondent is a Student*

Upon a finding by the investigator that a **student respondent**<sup>21</sup> is responsible for one or more policy violations, the matter is referred to the director of the Office of Student Conduct & Conflict Resolution (“OSCCR”), who serves as the ARO or delegates the matter to an alternative ARO, typically assigned from among the staff of the OSCCR. The administrative resolution phase for students substantially follows the principles for sanctions codified within the [Community Standards](#), and includes a thorough review of the investigative documentation and findings, including the FIR and all associated evidence on which the investigative decision relied.

When the respondent is a student, parties may object to any assigned ARO for cause (e.g., conflict of interest or bias) in writing to the EDEC as soon as possible. An ARO may be replaced or removed if the EDEC concludes that there is reason to believe that bias or conflict of interest would preclude an impartial resolution of the matter. Similarly, any ARO who cannot make an objective determination must recuse themselves from the process. If an ARO is unsure of whether a bias or conflict of interest exists, they must raise the concern to the EDEC as soon as possible.

Additional information regarding the administrative resolution process for complaints against students is as follows:

#### a. **Sanctions for Students**

Factors that may be considered by the ARO when determining sanctions for students may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- The respondent’s student conduct/disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for the University’s intervention to stop, prevent, and remedy the effects of the discrimination, sexual misconduct, and/or retaliation
- The impact on the parties
- Any other information deemed relevant by the ARO

Sanctions for a student respondent who is responsible for discrimination, sexual misconduct, and/or retaliation may include the following (for further information about these and other sanctions for students, please consult the [Community Standards](#)):

- University Warning
- University Probation
- University Suspension
- University Expulsion
- Residence Hall Probation
- Residence Hall Suspension
- Residence Hall Expulsion

---

<sup>21</sup> The administrative resolution format for students is also utilized when addressing allegations against recognized student organizations.

- Educational Experience or Project
- Extension of Supportive Measures (No Contact Directive, Limitation on University Activities and Access, etc.)
- Registered Student Organization Outcomes (suspension, loss of recognition, loss of some or all privileges for a specified period of time, etc.)
- Other Actions (in addition to or in place of those listed above, the University may assign any other sanctions as deemed appropriate)

Sanctions are implemented as soon as is feasible. The sanctions described here are not exclusive of, and may be in addition to, other actions undertaken by the University or imposed by outside authorities.

#### b. Decision Letters for Student Respondents

The ARO provides respective versions of a decision letter simultaneously to all respondents, complainants, and the EDEC. The information provided to respondents and complainants may not be identical, as the exact details of some actions undertaken may be withheld to protect the privacy of the parties. Decision letters in cases of student respondents include a restatement of the findings, a summary of sanctions (of which some details may be withheld for privacy reasons), and relevant information necessary for the parties to assess their safety moving forward. Decision letters may also include information about eligibility for appeal where applicable.

Decision letters constitute written notice of the administrative resolution and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

#### c. Withdrawal of Student Respondent with Allegations Pending

Should any student respondent decline to participate in the ERP at any point, the ERP may proceed to a finding and administrative resolution or other reasonable resolution absent the student's participation. A student respondent who withdraws or leaves with unresolved allegations pending may not return to the University until and unless they complete any sanctions or other requirements to the satisfaction of the University, as applicable. Additionally, the University may still address and remedy any systemic issues, factors that contributed to the alleged violation(s), and any ongoing effects of the alleged misconduct. Meanwhile a hold may be placed on the respondent's student account, preventing them from being readmitted.

#### d. Appeals When Respondent is a Student

When the respondent is a student, either party (complainant or respondent) may appeal the investigative findings, the administrative resolution decision, or both, on the following limited grounds:

- A **substantial procedural error or bias** that significantly impacted the investigative findings or administrative resolution.
- The discovery of **substantial new evidence**, not reasonably available during the investigation, that could substantially impact the original finding or administrative resolution.
- The **assigned outcome is disproportionate** to the violation(s).

A concise written request for appeal must be submitted to the EDEC or designee as directed in the decision letter within five business days following delivery of the decision letter. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within five business days following delivery of the notice of the written appeal. Appeal requests and responses must be received by 11:59 PM CST on the respective deadline date. Requests for appeal and responses submitted by either party are shared with the other party.

All requests for appeal are reviewed by the EDEC or designee to ensure that the requests meet basic eligibility requirements (e.g., within proper timeframe, appropriate grounds articulated, etc.). If an appeal request does not meet the basic eligibility requirements, the appealing party will be informed (if still within the eligible time frame, the appealing party may resubmit a modified request). At the end of the appeals window, the original finding(s)

and assigned outcome(s) stand if an appeal is not timely or is not based on the grounds listed above; such decisions are final.

Appeals (and responses, if applicable) are reviewed by one or more appeal administrators from among eligible CPAs. An appeal administrator's responsibility is strictly limited to determining if there was substantial procedural error that materially affected the outcome, if there is new evidence that was not reasonably available at the time of the investigation/resolution, and/or if an assigned outcome is disproportionate to the violation. If any are found by the appeal administrator(s), the appeal will be granted. If the appeal is denied, the matter is closed and the original decision stands. Appeal administrators will notify both parties in writing of the outcome of the appeal.

If the appeal is granted:

- due to a substantial procedural error or bias, the matter will be remanded to the appropriate investigator or ARO (or, as in a case of bias, to a new investigator and/or ARO) for reconsideration to remedy the error;
- due to the discovery of new evidence not reasonably available at the time of the initial investigation/resolution, the matter will be remanded to the appropriate investigator or ARO for reconsideration in light of the new evidence;
- due to an assigned outcome that is deemed disproportionate to the violation, the assigned outcome may be administratively modified by the appeal administrator(s) or remanded to the appropriate ARO for reconsideration.

When a matter is remanded for reconsideration, written instructions will be provided to the receiving investigator and/or ARO to ensure that any error is remedied. The resulting outcome following any remand is final and not subject to further appeal.

Decisions by appeal administrators are deferential to the original decision, which may be modified or overturned only when there is clear error and a compelling justification. An appeal is not an opportunity for an appeal administrator to substitute their judgment for that of the original investigator or ARO merely because they disagree with the finding or resolution decision. Appeal administrators may consult with the investigator, ARO, or EDEC at any time and for any reason, if needed.

Sanctions imposed as part of a resolution decision are implemented as soon as feasible, unless the EDEC or other designee stays their implementation in extraordinary circumstances pending the outcome of the appeal. Graduation, study abroad, internships/ externships, etc., do not constitute extraordinary circumstances, and students may not be able to participate in such activities during their appeal.

In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## *2. When the Respondent is a Staff Employee*

Upon a finding by the investigator that a **staff employee respondent** is responsible for one or more violations of the Comprehensive Policy, the matter is referred to the respondent's supervising director or other designee and the respective Human Resources manager responsible for the respondent's business unit, to be resolved in accordance with the [Employee Staff Handbook](#) and/or the respondent's collective bargaining agreement, if applicable. For the purposes of the Comprehensive Policy, the supervising director and Human Resources manager are considered the AROs assigned to the case.

When the respondent is a staff employee, additional information regarding the administrative resolution process is as follows:

### **a. Sanctions for Staff Respondents**

Factors that may be considered by the ARO when determining sanctions for staff employees may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation

- The respondent's employment records
- Previous allegations or allegations involving similar conduct
- The need for the University intervention to stop, prevent, and remedy the effects of the discrimination, sexual misconduct, and/or retaliation
- The impact on the parties
- Any other information deemed relevant by the ARO

Sanctions for a **staff employee** respondent who is responsible for discrimination, sexual misconduct, and/or retaliation may include the following (for further information about these and other disciplinary measures for staff employees, please consult the [Employee Staff Handbook](#) or collective bargaining agreement, as applicable):

- Warning – Verbal
- Warning – Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Future Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with Pay
- Suspension without Pay
- Termination
- Other Actions (in addition to or in place of those listed above, the University may assign any other sanctions as deemed appropriate)

#### b. Decision Letters for Staff Respondents

The ARO provides respective versions of a decision letter simultaneously to all respondents, complainants, and the EDEC. The information provided to respondents and complainants may not be identical, as the exact details of some actions undertaken may be withheld to protect the privacy of the parties. Decision letters in cases of staff respondents include a restatement of the findings, a summary of sanctions (of which some details may be withheld for privacy reasons), and relevant information necessary for the parties to assess their safety moving forward. Decision letters may also include information about eligibility for appeal where applicable.

Decision letters constitute written notice of the administrative resolution and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University-issued email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

#### c. Withdrawal of Staff Respondent with Allegations Pending

Should any staff employee decide to not participate in the ERP at any point, the ERP may proceed to a finding and administrative resolution or other reasonable resolution absent their participation. Should a staff respondent resign from the University, no assigned outcome will be assigned, as the University will no longer have disciplinary jurisdiction over the resigned staff employee. However, the University may still address and remedy any systemic issues, factors that contributed to the alleged violation(s), and any ongoing effects of the alleged misconduct. A staff employee who resigns with unresolved allegations pending is not eligible for rehire with the University, and the records retained by the OEC and/or Human Resources will reflect that status. Additionally, any University responses to future inquiries regarding employment references for that individual may include that the former employee resigned during a pending disciplinary matter.

#### d. Appeals When Respondent is a Staff Employee

When the respondent is a staff employee, appeals are governed exclusively by the [Employee Staff Handbook](#) and/or any applicable collective bargaining agreement, and may only be initiated by the respondent.



### *3. When the Respondent is a Faculty Employee*

For procedural information about faculty conduct and discipline, please refer to the [Faculty Handbook](#) and/or any applicable collective bargaining agreement.

## VI. Remedies and Responsive Interventions under the ERP

### A. Remedies

Following the conclusion of an administrative resolution process that has resulted in a finding of responsibility by the respondent, the EDEC may also provide remedies to and in consultation with the complainant, designed to restore or preserve the complainant's equal access to the University's education program or activity. The University will maintain the privacy of any remedies, provided privacy does not impair the University's ability to implement the remedies.

### B. Responsive Interventions

Following the conclusion of the administrative resolution process and independent of any findings and/or sanctions (if applicable), the EDEC may also recommend and/or implement other non-disciplinary responsive interventions with respect to the parties and/or the campus community. Such responsive interventions may include, but are not limited to:

- Implementation or extension of non-disciplinary, mutually applicable contact limitations (No Contact Directives) between the parties
- Individual and/or team or community training or education
- Administration of climate surveys and/or policy reviews

The University will maintain the privacy of any responsive interventions, provided privacy does not impair the University's ability to implement the interventions.

## VII. Monitored Compliance with Sanctions and Responsive Interventions

All individuals and other involved organizations and/or departments are expected to comply fully with any sanctions and/or other responsive interventions within the timeframe specified. The implementation and monitoring of such outcomes are primarily the responsibility of the ARO who assigned them; however, assistance and coordination is provided by the OEC to ensure overall University compliance.

Failure to comply with sanctions/interventions, whether by refusal, neglect, or any other reason, may result in additional disciplinary action, which may result in additional or increased sanctions or other responsive interventions, up to and including suspension, expulsion, and/or termination from the University, and which may be noted in an individual's disciplinary or employment record. A suspension will only be lifted when compliance with all sanctions is demonstrated to the satisfaction of the EDEC or designee.



# Article 3. Grievance Process for Title IX Sexual Harassment

---

The Grievance Process for Title IX sexual harassment (hereafter, the “Grievance Process”), as distinct from the ERP, is narrow in its scope, and is only applied to allegations of misconduct that meet the definitional and jurisdictional requirements of Title IX sexual harassment.

Upon the filing of a Grievance Process complaint, whereby an affected party (now “complainant”) or the EDEC has formally requested that the University take action to investigate and adjudicate an individual respondent, the University employs the Grievance Process to thoroughly, fairly, and impartially assess the available evidence and implement an appropriate response.

## I. When the Grievance Process is Applicable

Loyola must address all formal complaints of Title IX sexual harassment according to the Grievance Process (which reflects the prescribed procedures under the law) when (a) the alleged conduct, if proven, would constitute Title IX sexual harassment as defined in Article 3, subsection I(A); (b) the alleged Title IX sexual harassment occurred in the United States; (c) the alleged Title IX sexual harassment occurred within the University’s education program or activity; and (d) at the time the formal complaint of Title IX sexual harassment was filed, the complainant was participating or attempting to participate in the University’s education program or activity.

Title IX sexual harassment is specifically defined as follows:

### A. Title IX Sexual Harassment

The term “Title IX sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

#### 1. *Quid Pro Quo Sexual Harassment*

Quid pro quo sexual harassment occurs when an employee (faculty or staff member) conditions the provision of an aid, benefit, or service of the University on the complainant’s participation in unwelcome sexual conduct.

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

Hostile environment sexual harassment occurs when unwelcome conduct is directed towards a complainant that is determined by a reasonable person in the complainant’s position to be so severe, pervasive, and objectively offensive that it effectively denies the complainant equal access to the University’s education program or activity. Hostile environment sexual harassment occurs without regard to the respondent’s intent to cause harm, and is based on the totality of the circumstances in which the conduct occurs.

#### 3. *Other Forms of Title IX Sexual Harassment*

Other forms of Title IX sexual harassment include sexual assault, dating violence, domestic violence, and stalking, as defined by applicable laws.<sup>22</sup> These definitions, which are provided below, are distinct from Loyola’s own definitions for prohibited conduct described in Article I, subsection VIII.

---

<sup>22</sup> “Sexual assault” is as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” is as defined in 34 U.S.C. 12291(a)(10), “domestic violence” is as defined in 34 U.S.C. 12291(a)(8), and “stalking” is as defined in 34 U.S.C. 12291(a)(30).

## a. Sexual Assault

Sexual assault is defined as an offense classified as a forcible or nonforcible sex offense under the Uniform Crime Reporting System of the Federal Bureau of Investigation.<sup>23</sup> A sex offense is any sexual act directed against another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent. Sex offenses are further defined and categorized as follows:

### i. Rape

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.

### ii. Fondling

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of the complainant's age or because of the complainant's temporary or permanent mental incapacity.

### iii. Incest

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.<sup>24</sup>

### iv. Statutory Rape

Statutory rape is sexual intercourse with a person who is under the statutory age of consent (which in Illinois is 17).

## b. Dating Violence

Dating violence is defined as violence committed by a respondent (a) who is or has been in a social relationship of a romantic or intimate nature with the complainant; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship.

## c. Domestic Violence

Domestic violence is defined as felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a respondent with whom the victim shares a child in common, by a respondent who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a respondent similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction, or by any other respondent against an adult or youth complainant who is protected from that respondent's acts under the domestic or family violence laws of the jurisdiction.

## d. Stalking

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

---

<sup>23</sup> The definitions for sexual assault listed here (including rape, fondling, incest, and statutory rape) align with and encompass all behaviors that may constitute sexual assault under either the Summary Reporting System (SRS) or National Incident-Based Reporting System (NIBRS).

<sup>24</sup> In Illinois this includes as between (a) an ancestor and a descendent or between siblings, whether by half or whole blood or by adoption; (b) an uncle/aunt and nephew/niece, whether by half or whole blood; (c) between cousins of the first degree, with limited exceptions. (See 750 ILCS 5/212.)

## B. Other Misconduct that is Not Title IX Sexual Harassment

Loyola is fully compliant with Title IX and related regulations, but considers them to be a minimum standard for ensuring a safe and inclusive University environment. Accordingly, alleged sexual harassment that does not fall within the narrow definition of Title IX sexual harassment (either due to location of the incident, nature of the misconduct, or both) may still be addressed.

In cases where the alleged misconduct does not meet the definitional and jurisdictional requirements of Title IX sexual harassment, the allegation may be addressed under the ERP described in Article 2 or under other applicable University policies or procedures.<sup>25</sup> Where the alleged misconduct arises from the same facts and circumstances as an allegation of Title IX sexual harassment, the allegation may be addressed under the ERP or the Grievance Process (see Article 3, subsection III(C)). In either case, the EDEC will inform the parties of this decision and applicable next steps simultaneously and in writing.

## II. General Grievance Process Information

### A. Evidentiary Standard and Burden of Proof

A preponderance of the evidence is the evidentiary standard used at Loyola to determine whether a respondent is responsible for violating the Comprehensive Policy. This standard requires that the totality of the evidence, considered impartially, must indicate that it is more likely than not that the Comprehensive Policy was violated. This standard is required by Illinois law in cases of alleged student violations, and is applied to all cases under the Comprehensive Policy.

Determinations of responsibility are not made until the end of the Grievance Process, following a hearing. Unless and until a respondent is determined to be responsible by a preponderance of the evidence for a policy violation at the conclusion of the Grievance Process, the University operates with the presumption that the respondent is not responsible for the reported misconduct.

The burden of proof and the burden of gathering evidence sufficient to reach an informed determination regarding responsibility rest with the University and not with the parties.

### B. Equitable Treatment of Complainants and Respondents

Complainants and respondents are treated equitably under the Grievance Process. This means:

- All relevant evidence is evaluated objectively, including evidence that suggests responsibility and evidence that suggests no responsibility.
- Credibility determinations are not to be based on a person's status as a complainant, respondent, or witness.
- Both complainants and respondents may request appropriate and reasonably available supportive measures, ranging from referrals for counseling to facilitated academic/housing/transportation/workplace modifications. For a full description of available supportive measures, see Article 1, subsection IX(B)(2).
- Neither party is restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence.<sup>26</sup>
- Both parties whose participation is invited or expected are provided written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

---

<sup>25</sup> It should be noted that Loyola also has other obligations under Title VII and other equity laws to address other forms of sexual misconduct that do not constitute Title IX sexual harassment.

<sup>26</sup> Subject to prohibitions on retaliation as described in Article 1, subsection VIII(C).

- Complainants are provided appropriate remedies where a respondent is found responsible for Title IX sexual harassment.
- Respondents are provided a fair and impartial process under the Grievance Process before the imposition of any sanctions or other responsive interventions that are not supportive measures.

### C. Right of Nonparticipation

Any party has the right not to participate in the Grievance Process. Where a party chooses not to participate, the University may still proceed with the Grievance Process. In such circumstances, the University will continue to send to the nonparticipating party notices required under the Comprehensive Policy (for example, a written notice of the date, time, and location of a hearing). However, no party will be retaliated against, nor will any inferences as to a respondent's responsibility be made based on any party's choice not to participate.

### D. Comprehensive Policy Administrators and the Grievance Process

All CPAs who are involved in the facilitation and resolution of the Grievance Process, including the Title IX Coordinator, deputy coordinators, investigators, hearing administrators, appeal administrators, and informal resolution facilitators, may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

CPAs involved in administering the Grievance Process receive training to comply with the requirements of Title IX and other applicable laws. For more information about CPAs, see Article 1, subsection III(A).

### E. Timely Resolution of the Grievance Process

The University strives to resolve all Grievance Process complaints in a prompt and timely manner, within six months from the receipt of a Grievance Process complaint through the delivery of the written determination. Grievance Process appeals, if applicable, may take up to an additional two months.

All time frames referenced in the Comprehensive Policy may be extended to a limited extent for good cause and with written notice to the parties of the delay or extension and the reasons therefor. Good cause may include various considerations, including but not limited to, the absence or unavailability of a party, or a witness; extraordinary complexity or scope of the case; concurrent law enforcement activity;<sup>27</sup> the need for language/translation assistance; or the need for accommodations for disabilities or health conditions.

Throughout any delay or extension, the University may implement supportive measures as deemed appropriate, and parties are periodically updated on the status of their case.

### F. Grievance Process Advisors

A Grievance Process advisor (referred to in this subsection only as "advisor") is a person who may accompany an individual who is an affected party, complainant, or respondent during any meeting or proceeding related to a report or Grievance Process complaint. Advisors are strictly optional, with the exception of being required to present the advisee's proposed questions during a hearing, and the choice of whether or not to utilize an advisor throughout the rest of the Grievance Process is up to each party.

All complainants and respondents involved in the Grievance Process may be accompanied by one advisor of their choice, provided that the selection of the advisor does not cause an undue delay of the Grievance Process.<sup>28</sup> It is

---

<sup>27</sup> It should be noted that the Grievance Process is entirely distinct from civil or criminal proceedings; accordingly, the Grievance Process is not typically altered or precluded due to pending civil or criminal charges or the dismissal or reduction of such charges. However, the University seeks to cooperate with law enforcement personnel to ensure that University processes do not interfere with law enforcement activity.

<sup>28</sup> For employees who are members of a union, a union representative may serve as the employee's advisor where applicable; and nothing in this section will limit or abridge rights otherwise afforded under a collective bargaining agreement.

the responsibility of each party to coordinate scheduling with their advisor for any meetings. The University will not delay meetings or proceedings to accommodate an advisor's availability.

An advisor may not speak, write, or otherwise communicate on behalf of a party, with the limited exception of presenting the advisee's proposed questions to other parties or witnesses during the hearing according to the procedures described in Article 3, subsection VI(B). Advisors may not engage in behavior or communications that harass, abuse, or intimidate any party, witness, or other individual involved in the matter. Advisors who do not abide by these guidelines may be removed from any meeting and excluded from serving in an advisor role, to be replaced with another advisor of choice or, if needed, an advisor assigned by the University.

An advisor may be any person of the party's choosing, including an attorney or union representative for employees who are members of a union, as described in the applicable collective bargaining agreement. When an advisor is also an attorney, this must be disclosed to the University, and the advisor is still limited to the supportive and non-representative role described above. An attorney of the University's choosing may also attend any proceeding whenever an attorney serving as an advisor is present.

Any complainant or respondent may request assistance from the OEC in identifying an available advisor, and an advisor will be provided who is aligned with the party's interests. However, the University cannot ensure or guarantee the quality of any University-provided advisor.

Advisors are expected to maintain the privacy of any records shared with them. Such records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University, unless required by law. The University may restrict the role of any advisor who does not respect the sensitive nature of the Grievance Process or who fails to abide by the University's privacy expectations.

## G. Accommodation for Disabilities in the Grievance Process

Loyola is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Grievance Process. Anyone needing such accommodations or support should inform the EDEC, who may connect the individual with the SAC (for students) or Human Resources (for employees) to evaluate any requests and, in consultation with the person requesting the accommodation and the EDEC, determine what accommodations are appropriate and necessary for full participation in the process.

# III. Notice, Dismissal, and Consolidation of Grievance Process Complaints

## A. Notice of Grievance Process Complaint

Upon receipt of a Grievance Process complaint, the OEC must provide written notice to the parties who are known, informing the parties of the Comprehensive Policy and the applicability of the Grievance Process to the allegations. This notice includes the allegations that may constitute Title IX sexual harassment as defined under the Comprehensive Policy, as well as sufficient details for the respondent to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX sexual harassment, and the date and location of the alleged incident, if known.

The written notice also informs the parties of their rights under the Grievance Process (such as the right to an advisor and right to inspect and review evidence) and that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited.

If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the original written notice, the University will provide notice of the additional allegations to the parties whose identities are known.

## B. Dismissal of Grievance Process Complaint

The University must investigate the allegations in a Grievance Process complaint. However, if the alleged conduct would not, if proven, meet the definitional or jurisdictional requirements of Title IX sexual harassment, the University must dismiss the complaint with regard to that conduct for purposes of Title IX.

The University may also dismiss the complaint or any allegations therein, if at any time during the investigation or hearing: (a) a complainant notifies the EDEC in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (b) the respondent is no longer enrolled or employed by the University; or (c) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the complaint or allegations therein.

Complaints and/or allegations that are dismissed for Title IX purposes may be addressed instead under the ERP or may be consolidated with other allegations of Title IX sexual harassment to the extent that they arise under the same facts and circumstances. Such decisions are at the discretion of the EDEC. Upon a required or permitted dismissal under this subsection, the University will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to both parties.

If either party objects to a dismissal decision by the EDEC, the party may appeal that decision according to the appeal grounds and process described in Article 3, subsection X.

## C. Consolidation of Grievance Process Complaints

The University may, but is not required to, consolidate formal complaints as to allegations of Title IX sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party (including “cross-claims” of Title IX sexual harassment brought by a respondent against a complainant), where the allegations of Title IX sexual harassment arise out of the same facts or circumstances. Such determinations are at the discretion of the EDEC.

The University may also, at the discretion of the EDEC, consolidate allegations that do not meet the definitional and jurisdictional requirements of Title IX sexual harassment with allegations of Title IX sexual harassment (and address both under the same Grievance Process) when both allegations arise from the same set of facts and circumstances.

Investigators and hearing administrators are trained to impartially review distinct sets of facts to negate any prejudicial impact of knowing about multiple, related allegations. In all instances, separate determinations of responsibility will be made for each distinct alleged policy violation against each respondent.

Where the Grievance Process involves more than one complainant or more than one respondent, references in this Article 3 to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

## IV. Availability of Informal Resolution Options

Upon filing of a Grievance Process complaint, informal resolution options may be available prior to reaching a determination regarding the respondent’s responsibility, when both parties agree and when the EDEC determines that the matter is appropriate for informal resolution, subject to the parameters set forth in Article 1, subsection XI.

In cases of alleged Title IX sexual harassment, the University strives to conclude informal resolution within two months of the initiation of the informal resolution option, subject to reasonable delay or extension for good cause as described in Article 3, subsection II(E).

## V. Investigation of a Grievance Process Complaint

Investigations pursuant to a Grievance Process complaint include the thorough and impartial collection of all available evidence by one or more impartial investigators, and concludes with the investigator producing and presenting a Final Investigation Report to the parties for their review and preparation before a hearing.

Investigations are prompt, thorough, reliable, impartial, and fair to both parties, and may involve interviews with relevant parties and witnesses; gathering and presenting available, relevant evidence; and other investigative steps, as described below.

## A. Assignment of Investigator

In preparation for an investigation of a Grievance Process complaint, the EDEC assigns one or more investigators from among the OEC staff. Investigations are overseen and conducted by OEC staff, except in the rare occurrence that a conflict of interest or other logistical concern causes the University to utilize an outside consultant or expert to facilitate the investigation. In such occurrences, all policies, procedures, and standards in the Comprehensive Policy will apply.

No individual materially involved in the investigation or resolution of a Grievance Process complaint may have or demonstrate a conflict of interest or bias towards or against either complainants or respondents generally, or any specific party. Parties are informed of the assigned investigator within the NOI (prior to any contact from the investigator) and have at least 24 hours to object to an assigned investigator due to conflict of interest or bias. Additionally, any party may raise a concern regarding bias or a conflict of interest at any time, at which point the EDEC or designee will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied.

## B. Gathering of Relevant Evidence

Though investigations vary based on the context of the underlying allegations, parties have a full and fair opportunity to present relevant evidence and to review and respond to all related evidence collected by the investigator, whether or not the evidence is considered relevant and/or will be relied upon by the hearing administrator(s) in making a decision.

Formal rules of evidence as used in a court of law do not apply. The investigator may seek and consider any evidence that is directly related to the allegation(s) at issue, with the following exceptions:

(1) The University may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for the purposes of the Grievance Process.<sup>29</sup>

(2) The Grievance Process may not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The investigator consults with the EDEC on all questions of procedure and evidence.

## C. Interviews of Parties

One of the most critical investigative steps is meeting with and interviewing the primary parties in a case (complainant and respondent). The purpose of these interviews includes collecting relevant information about the details of the allegation(s); asking probing and clarifying questions; providing the opportunity for parties to present inculpatory or exculpatory evidence and/or relevant witnesses, including fact or expert witnesses, to be interviewed by the investigator; and reviewing and exploring available documentation or other relevant physical evidence (including video footage, digital communications, photographs, etc.).

---

<sup>29</sup> If a student is under 18 years old, then the University must obtain the voluntary, written consent of a parent or legal guardian.



Parties must present all relevant evidence and witnesses during the investigation, or else such evidence and/or witnesses may not be presented at the hearing. This ensures that both parties have an equal opportunity to be aware of evidence that may be referenced at the hearing.

Investigative interviews may be conducted in-person or remotely/virtually, using available audiovisual technology such as Zoom™.

## D. Presentation and Interviews of Relevant Witnesses

Both parties have an equal opportunity to present relevant witnesses (including fact and expert witnesses) and recommended questions for the witnesses to be considered by the investigator. Upon the presentation of relevant witnesses, parties are asked to explain what relevance the witness has to the allegation(s) under investigation. Investigators are not compelled to interview all presented witnesses, but if an investigator declines to interview a witness for lack of relevance, the investigator must provide a rationale for determining that the witness was not relevant. Witnesses cannot be compelled to participate in any investigation or proceeding under the Grievance Process.

Investigative interviews may be conducted in-person or remotely/virtually, using available audiovisual technology such as Zoom™. Witnesses are interviewed separately. In some cases, witnesses may also provide written statements in lieu of interviews, but reliance on a witness's statement still requires the witness to participate in the hearing as described in Article 3, subsection VI(B).

## E. Recording of Interviews

No audio or video recording of any kind is permitted by anyone other than the investigator, during any meetings or interviews associated with the Grievance Process. If the investigator elects to audio and/or video record interviews, all parties present are first made aware of and must consent to the recording. The investigator's recordings are provided to both parties as part of the inspection and review of evidence prior to the conclusion of the investigation, and may be accessed by either party or the hearing administrator(s) or appeal administrator(s) during any hearing or appellate review. Recordings are maintained pursuant to the recordkeeping policy described in Article 3, subsection XII.

## F. Preliminary Inspection and Review and Final Investigation Report

Prior to the conclusion of the investigation, the investigator provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations – including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source – so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

This opportunity to conduct a preliminary inspection and review (“PIR”) of all directly related evidence is facilitated by the investigator, who makes the applicable evidence available in a hard copy or electronic format to both parties and their advisors (if applicable). The parties then have at least 10 business days to complete the PIR and submit a written response, if desired, which the investigator will consider prior to concluding the investigation. The evidence subject to PIR is also available to both parties at any hearing, such that both parties have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination as described in Article 3, subsection XII.

After reviewing and considering any written responses submitted by the parties following the PIR, the investigator creates a Final Investigation Report (“FIR”) that fairly summarizes relevant evidence and, at least 10 business days prior to a hearing, is sent to each party and their advisor (if applicable) in an electronic format or hard copy, for their review and preparation of any written response (to be presented at the hearing, if desired).



## VI. Grievance Process Hearings

As required by Title IX, the Grievance Process provides for a mandatory live hearing. Live hearings may be conducted with all parties physically present in the same geographic location, but may, at the University's discretion, be facilitated virtually such that any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

When a hearing is to occur in-person and not virtually, at the request of either party or on the initiative of the University, the University provides for hearings to occur with the parties located in separate rooms, with technology enabling the hearing administrator(s) and parties to simultaneously see and hear any party or witness who is answering questions.

### A. Hearing Format

Hearings are facilitated by one or more hearing administrators who are trained and qualified CPAs tasked with reviewing and examining all relevant evidence, presenting questions to parties and witnesses as needed to make findings of responsibility, and, where applicable, facilitating the determination of sanctions appropriate to the policy violation at issue. A Grievance Process hearing is an administrative process, and formal rules of evidence (such as those applied to courtroom hearings) do not apply.

One hearing administrator serves as the hearing chairperson, who is responsible for ensuring order and decorum, and for directing the hearing procedures. Other individuals who may be present for a hearing include other hearing administrator(s), EDEC, investigator, parties and their advisors, and witnesses (who are admitted to the hearing when called upon by the hearing chairperson). When any party is accompanied by an advisor who is also an attorney, the University also reserves the right to have an attorney representing the University present.

Hearings begin with introductions of all individuals present and a brief introduction of the case by the hearing chairperson. After the introduction, the hearing administrators call upon the parties to respond to questions, usually in the following order: complainant, respondent, witnesses. Following the direct questioning of each individual by the hearing administrators, both parties are afforded the opportunity to present questions of their own to the individual who was just questioned (i.e., cross-examination).

### B. Cross-Examination by Advisors

Immediately after direct questioning of a party or witness by the hearing administrators, the hearing administrators invite each party's advisor to present any relevant questions not already asked by the hearing administrators and/or follow-up questions requested by the advisee, on the advisee's behalf. Only relevant questions and follow-up questions presented by the advisor on behalf of their advisee are permitted (subject to the limitations set forth in Article 3, subsection VI(C)) including those challenging credibility.

The protocol for presenting questions to a party by the other party's advisor is as follows. Each question must first be proposed by the advisor to the hearing chairperson (or a designee), who will assess whether the question is relevant. If the question is relevant, the hearing chairperson will "affirm" the question and direct the questioned individual to respond. If the question is not relevant or is otherwise prohibited, the hearing chairperson will "exclude" the question, direct the questioned individual not to answer the question, and immediately and succinctly explain the grounds for the hearing chairperson's decision to exclude the question. Parties and their advisors may not object to proposed questions; the hearing chairperson has sole discretion in affirming or excluding questions.

Such cross-examination is conducted directly, orally, and in real time by the party's advisor and never by a party personally. If a party does not have an advisor present at the live hearing, the University will provide – without fee or charge to the party – an advisor of the University's choice, to perform the limited function of presenting the advisee's questions to the other party and/or witnesses.

If a party or witness does not submit to cross-examination at the live hearing, the hearing administrators must not rely on any statement of that party or witness in reaching a determination regarding responsibility.<sup>30</sup> The hearing administrators also may not make any inferences regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

### C. Excluded Questions

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless (a) such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (b) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The University does not permit questions by hearing administrators or by other parties through their advisors that seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Additionally, the University does not permit questions to be presented in a rude or abusive manner. If otherwise permissible question is presented in a hostile or abusive manner, the hearing chairperson may instruct the advisor to rephrase the question. Advisors who do not abide by these guidelines may be removed from any meeting and excluded from serving in an advisor role, to be replaced with another advisor of choice or, if needed, an advisor assigned by the University.

### D. Concluding the Hearing

Before concluding the hearing, each complainant will be provided no more than five minutes to present an optional closing statement. Thereafter, each respondent will have the same opportunity. Following the respondent's closing statement, the hearing adjourns. The hearing administrator(s) deliberate in private following the conclusion of the hearing before making a finding as to responsibility for each alleged policy violation.

### E. Recording of Hearing

The University creates an audio or audiovisual recording of all hearings, which are made available to the parties for inspection and review upon request and are maintained pursuant to the recordkeeping policy described in Article 3, subsection XII.

## VII. Sanctioning Determination

If a hearing results in one or more findings of responsibility for a respondent having violated the Comprehensive Policy, the matter will proceed to sanctioning determination. Sanctions are determined differently depending on whether the respondent is a student, faculty employee, or staff employee.

### A. Sanctioning Student Respondents

For student respondents, sanctions are determined by the hearing administrator(s) and incorporated into the written determination as described in Article 3, subsection IX.

---

<sup>30</sup> Where a party does not propose (through their advisor) any questions for the other party and/or witness, but the other party and/or witness has appeared/participated in the hearing, the other party/witness will be considered to have submitted to cross-examination; the hearing administrators may therefore still rely on the statements of the other party/witness.

## B. Sanctioning Staff Respondents

For staff respondents, upon a decision of responsibility by the hearing administrator(s), sanctions are determined by a designated representative of Human Resources, according to the following staff disciplinary process.

The hearing chairperson delivers a hearing report to the designated representative of Human Resources. The Human Resources representative may consult with the appropriate supervisory authority under whom the respondent reports, decides the sanction(s) to be assigned to the staff respondent, and provides the sanctioning decision to the hearing chairperson, who incorporates the decision into the written determination as described in Article 3, subsection IX.

During the staff disciplinary process, any documents provided to either party will be provided to the other, and both parties will have an equal opportunity to respond to any inquiries made by the designated representative of Human Resources, if applicable.

## C. Sanctioning Faculty Respondents

For faculty respondents, upon a decision of responsibility by the hearing administrator(s), sanctions are determined by the Senior Academic Officer (as defined in the [Faculty Handbook](#)) in accordance with the disciplinary process set forth in the [Faculty Handbook](#) or collective bargaining agreement, as applicable.

At the conclusion of the disciplinary process, the Senior Academic Officer decides the sanction(s) to be assigned to the faculty respondent, and provides the sanctioning decision to the hearing chairperson, who incorporates the decision into the written determination as described in Article 3, subsection IX.

During the faculty disciplinary process, any documents provided to either party will be provided to the other; and both parties will have an equal opportunity to respond to any discipline recommendations.

# VIII. Grievance Process Sanctions and Remedies

## A. Sanctions for Title IX Sexual Harassment

Factors that may be considered by the hearing and/or sanctioning administrator(s) when determining sanctions for Title IX sexual harassment may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation;
- The respondent's student and/or employee conduct/disciplinary history (or absence thereof), whether or not the previous discipline was related to the current violation;
- The existence or circumstances of previous reports or formal complaints alleging similar conduct (or absence thereof);
- The University's obligation to stop, prevent, and remedy the effects of the misconduct; and
- The impact of the violation on the parties

Sanctions for Title IX sexual harassment may range from intensive educational sanctions (e.g., extended mandated training or professional coaching) to disciplinary sanctions such as temporary or permanent separation from the University (e.g., suspension or expulsion for students, or unpaid leave of absence or termination for employees). The range of sanctions described here is not exclusive of, and may be in addition to, other responsive interventions or other actions undertaken by the University or imposed by outside authorities.

Sanctions are implemented as soon as feasible, unless the EDEC or other designee stays their implementation in extraordinary circumstances pending the outcome of a forthcoming appeal. Graduation, study abroad, internships, externships, etc., do not constitute extraordinary circumstances, and students may not be able to participate in such activities during their appeal.

## B. Remedies

Following the conclusion of the Grievance Process that has resulted in a finding of responsibility by the respondent, the EDEC may also provide remedies to and in consultation with the complainant, designed to restore or preserve the complainant's equal access to the University's education program or activity. The University will maintain the privacy of any remedies, provided privacy does not impair the University's ability to implement the remedies.

## C. Responsive Interventions

Following the conclusion of the Grievance Process and independent of any findings and/or sanctions (if applicable), the EDEC may also recommend and/or implement other non-disciplinary responsive interventions with respect to the parties and/or the campus community. Such responsive interventions may include, but are not limited to:

- Implementation or extension of non-disciplinary, mutually applicable contact limitations (No Contact Directives) between the parties
- Individual and/or team or community training or education
- Administration of climate surveys and/or policy reviews

The University will maintain the privacy of any responsive interventions, provided privacy does not impair the University's ability to implement the interventions.

## IX. Written Determination

Following the conclusion of the hearing and after any sanctions are determined (if applicable), the hearing chairperson issues a written determination, communicated to both parties simultaneously and in writing (and presumptively received upon delivery). The written determination:

- Identifies the allegations that may constitute Title IX sexual harassment and any other prohibited conduct addressed in the hearing, if applicable;
- Describes the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Presents findings of fact supporting the determination;
- Presents conclusions regarding the application of the Comprehensive Policy to the facts;
- Provides a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions the University imposes on the respondent, and whether remedies will be provided to the complainant; and
- Describes the University's procedures and permissible bases for the complainant and respondent to appeal.

## X. Appeals of the Grievance Process Outcome

Both parties have the equal right to appeal the findings and/or sanctions resulting from the Grievance Process. Requests for appeal must be submitted within 10 business days. Following the conclusion of the appeal window, if a timely request for appeal is received from any party, all other parties (complainants and respondents) are provided a copy of the appeal request(s) and any supporting documentation provided. Any non-appealing party then has 10 business days to respond in writing with their own responsive statement, either challenging or supporting the original outcome. Following the end of the appeal response window, any responsive statements received are shared with the appealing party, but no further response (i.e., "response to a response") is permitted. Appeal requests and responses must be received by 11:59 PM CST on the respective deadline date; requests and responses received thereafter will not be accepted or considered.

Appeals are reviewed by one or more appeal administrators who are trained and qualified to serve in that role (i.e., free from any conflict of interest or bias; was/were not the original investigator, hearing administrator, or

Title IX Coordinator). Appeal administrators may consult with the investigator, hearing administrator(s), sanctioning administrator(s), and/or EDEC at any time and for any reason, if needed.

An appeal administrator's responsibility is strictly limited to determining if, based on the applicable appeal grounds, there is cause for the original decision to be modified, overturned, or remanded. Decisions by appeal administrators are deferential to the original decision, which may be modified or overturned only when there is clear error and a compelling justification. An appeal is not an opportunity for an appeal administrator to substitute their judgment for that of a hearing or sanctioning administrator merely because the appeal administrator disagrees with the finding(s) or sanction(s) assigned.

During the appeal process, any opportunity provided to either party to review or respond to appeal documents, meet with the appeal administrator, or otherwise participate in the process will be provided equally to the other party.

At the end of the appeal window, if no timely request for appeal has been received, the original outcome stands and becomes final within the University.

## A. Grounds for Appeal

Appeals may be requested by any party on the following grounds:

- A **procedural irregularity** that affected the outcome of the matter;
- **New evidence** that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The EDEC, investigator(s), or hearing administrator(s) had a **conflict of interest or bias** for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

**In cases involving student respondents (only)**, both parties may also appeal on the grounds that the assigned outcome is disproportionate to the violation(s).

**In cases involving non-unionized faculty respondents (only)**, both parties may also appeal on any applicable grounds as described in the [Faculty Handbook](#).

**In cases involving unionized faculty or unionized staff respondents (only)**, both parties may also appeal on any applicable grounds as described in the collective bargaining agreement.

## B. Requesting and Processing Appeals

The procedures for requesting an appeal, like the procedures for determining sanctions, differ depending on whether the respondent is a student, faculty employee, or staff employee.

### *1. Appeals When Respondent is a Student*

In cases where the respondent is a student, an appealing party must submit a written request for appeal to the EDEC, as directed in the written determination letter. The EDEC facilitates the exchange of appeal request(s) and responses, if applicable, and assigns the matter to one or more appeal administrators from among the pool of qualified CPAs.

### *2. Appeals When Respondent is a Non-Unionized Staff Employee*

In cases where the respondent is a non-unionized staff employee, an appealing party must submit a written request for appeal to the Vice President for Human Resources, as directed in the written determination letter. The Vice President for Human Resources or a designee facilitates the exchange of appeal request(s) and responses, if applicable, and the Vice President for Human Resources either serves as the appeal administrator or assigns the matter to the Employee Complaint Appeals Committee, as described in the [Staff Handbook](#).

### *3. Appeals When Respondent is a Faculty Employee*

In cases where the respondent is a non-unionized faculty employee, an appealing party must submit a written request for appeal to the University President, as directed in the written determination letter. The President or a designee facilitates the exchange of appeal request(s) and responses, if applicable, and the President (or a designee) reviews the appeal in accordance with the procedures set forth in the [Faculty Handbook](#), as applicable.

### *4. Appeals When Respondent is a Unionized Staff or Faculty Employee*

In cases where the respondent is a unionized staff employee or a unionized faculty employee, please consult the applicable collective bargaining agreement.

## **C. Appeal Decisions**

Upon rendering an appeal decision, the appeal administrator notifies all parties simultaneously and in writing of the decision. In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some lost opportunities may be irreparable in the short term.

## **XI. Monitored Compliance with Sanctions and Responsive Interventions**

All individuals and other involved organizations and/or departments are expected to comply fully with any sanctions and/or other responsive interventions within the timeframe specified. The implementation and monitoring of such outcomes are primarily the responsibility of the EDEC; however, assistance with implementation may be provided by other CPAs.

Failure to comply with sanctions or interventions, whether by refusal, neglect, or any other reason, may result in additional disciplinary action, which may result in additional or enhanced sanctions or other responsive interventions, up to and including suspension, expulsion, and/or termination from the University, and which may be noted in an individual's disciplinary or employment record. A suspension will only be lifted when compliance with all sanctions is demonstrated to the satisfaction of the EDEC or designee.

## **XII. Grievance Process Recordkeeping**

As required by Title IX, the University will maintain for a period of seven years, records and accompanying rationale for any actions, including supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment.

The University will also maintain for seven years: records of each investigation conducted in response to a formal complaint of Title IX sexual harassment (including any audio or audiovisual recording or transcript generated as part of the Grievance Process); any determination regarding responsibility; any sanctions imposed on the respondent; any remedies provided to the complainant; any appeal and the results therefrom; any informal resolution and the results therefrom; and all materials used to train the EDEC, deputy coordinators, investigators, hearing administrators, and any person who facilitates an informal resolution process.

Training materials are also publicly available on the OEC website, at [www.luc.edu/equity](http://www.luc.edu/equity).

---

*Approved and published on August 13, 2020.*