Comprehensive Policy and Procedures for Sexual Misconduct Grievance Process

UIC SEXUAL MISCONDUCT POLICY

Statement of Policy

UIC is committed to providing and preserving an educational and work environment free from all forms of sexual misconduct. UIC prohibits and will not tolerate sexual misconduct of or by students, employees, patients, applicants for enrollment or employment with UIC. UIC will take prompt and fair action to eliminate such conduct, prevent its recurrence, and remedy its effects. Employees and students in violation of this policy may face sanctions up to and including termination or expulsion.

The purpose of this policy is to provide such an environment and to and to comply with Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. § 1681 et seq., and its implementing regulations, 34 C.F.R. Part 106; Section 304 of the Violence Against Women Reauthorization Act of 2013 ("VAWA"), 20 U.S.C. 1092(f), and its implementing regulations, 34 C.F.R. Part 668.46; Title VII of the Civil Rights Act of 1964 ("Title VII"); the Illinois Human Rights Act; and the Illinois Preventing Sexual Violence in Higher Education Act, 105 ILCS 155/1 et seq.

It is important to preserve physical evidence where you believe a sexual assault, or any sexual misconduct occurred. If you choose to also obtain an order or protection or pursue this matter criminally, outside of this process, the physical evidence may assist in prosecution or obtaining an order of protection.

UIC's Title IX Coordinator

UIC's Title IX Coordinator is responsible for and authorized to coordinate the University's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in education programs and activities for institutions that receive federal financial assistance, as well as retaliation for the purpose of interfering with any right or privilege protected by Title IX. The Title IX Coordinator also oversees the University's response to all reports and complaints of sexual misconduct and Title IX Sexual Harassment to monitor outcomes, identify any patterns, and assess their effects on the campus climate. The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of the University's responsibility to provide a safe and welcoming campus environment for all students free from discrimination based on sex. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies for sexual misconduct, including Title IX Sexual Harassment, and for overseeing the University's recordkeeping obligations under Title IX.

All Formal Complaints of Title IX Sexual Harassment shall be reviewed and addressed in accordance with the grievance process set forth which:

1. Treats Complainants and Respondents equitably in all manners, including by providing remedies to a Title IX Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent, and by following the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Title IX Respondent;
2. Requires an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness;
3. Requires that any individual designated by the University as a Title IX Coordinator, investigator, decision-maker, or any person designated by the University to facilitate an informal resolution

Title IX regulations that led to policy and procedure revisions in 2024 were recently vacated in State of Tennessee, et al v. Miguel Cardona, et al. Accordingly, the August 1, 2024, updates have been withdrawn, and the Sexual Misconduct policies and procedures that were in place July 31, 2024, have been restored. Procedures effective August 15, 2022.

process: a) not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent; and b) receive training on the definition of Title IX Sexual Harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process, and how to serve impartially;

4. Requires that any individual designated by the University as a decision-maker receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence;
5. Requires that any individual designated by the University as an investigator receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
6. Includes a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
7. Includes reasonably prompt timeframes for conclusion of the grievance process;
8. Describes the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the University may implement following any determination of responsibility;
9. Bases all decisions on the preponderance of the evidence standard;
10. Includes the procedures and permissible bases for the Complainant and Respondent to appeal;
11. Describes the range of supportive measures available to Complainants and Respondents; and
12. Does not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seeks disclosure of, information protected under a legally recognized privilege will be required, allowed, or relied on unless the person holding such privilege has waived the privilege.

A person should contact the Title IX Coordinator's office to:

1. seek information or training about rights and available actions to resolve reports or formal complaints involving potential sex discrimination, including Title IX Sexual Harassment and other sexual misconduct;
2. file a formal complaint or make a report of sex discrimination, including Title IX Sexual Harassment and other sexual misconduct;
3. obtain information about the availability of and for coordination of resources (including confidential resources) and supportive measures relating to sex discrimination, including Title IX Sexual Harassment and other sexual misconduct;
4. notify the University of an incident, policy, or procedure that may raise potential Title IX concerns; and
5. ask questions about the University's policies and procedures related to sexual misconduct.

Contact Information for UIC's Title IX Coordinator:
Office for Access and Equity
Marshfield Avenue Building
809 S. Marshfield Ave.
717 MAB (M/C 602)
Chicago, IL 60612
(312) 996-8670, TitleIX@uic.edu
https://sexualmisconduct.uic.edu

To make a complaint to a government agency:
U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1100
(800) 421-453-6012
Fax: (202) 453-6012
OCR@ed.gov

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Definitions

Actual Knowledge

Notice of Title IX Sexual Harassment or allegations of Title IX Sexual Harassment to UIC's Title IX Coordinator or any official of UIC who has authority to institute corrective measures on behalf of UIC. *Note: This standard is not met when the only official of UIC with actual knowledge is the Respondent*.

Coercion

Coercion is the use of force, threats, intimidation, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact. In evaluating whether Coercion was used, the University will consider: (1) the frequency, intensity, and duration of the pressure; (2) the degree of isolation of the person being pressured; and (3) any actual or perceived power differential between the parties in the context of their respective roles within the University. For example, when a person expresses a decision not to participate in a particular sexual activity, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can become coercive.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual misconduct. If the alleged violation involves Title IX, the Complainant must be the individual who is alleged to be the victim of the conduct that could constitute Title IX Sexual Harassment.

Consent

Consent means mutually understood words or actions indicating a freely given, informed agreement to engage in a particular sexual activity with a specific person or persons. Consent must be voluntarily given and cannot be the result of Coercion. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent. A person's manner of dress does not constitute consent. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. A person can withdraw consent at any time.

A person cannot consent to sexual activity if that person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances, including without limitation the following:

1. the person is incapacitated due to the use or influence of alcohol or drugs;
2. the person is asleep or unconscious;
3. the person is under the legal age to provide consent; or
4. the person has a disability that prevents such person from having the ability or capacity to give consent.

To be found responsible in a case involving a Complainant who could not consent to sexual activity, the Respondent must have known, or should have known, the Complainant was unable to understand the nature of the sexual activity or give knowing consent due to the circumstances. "Should have known" is an objective, reasonable person standard. That is, would a reasonable person have recognized that the Complainant could not consent to the sexual activity.

Dating Violence

Dating Violence (See 34 USC 12291(a)(11)) means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    a. the length of the relationship;
    b. the type of relationship; and
    c. the frequency of interaction between the persons involved in the relationship.

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Dating violence does not include acts covered under the definition of domestic violence.

Days
Days means calendar days, excluding University holidays and semester breaks.

Domestic Violence
Domestic Violence- includes any crime(s) committed against an individual by a current or former spouse or intimate partner (as defined under the family or domestic violence laws of Illinois), including but not limited to, domestic battery, aggravated domestic battery, stalking, aggravated stalking, cyberstalking, sexual assault, and sexual abuse.[1]

Education Program or Activity
Locations, events, or circumstances over which UIC exercised substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the postsecondary institution. For purposes of the Title IX Sexual Harassment Grievance Process, the Title IX Sexual Harassment must occur against a person in the United States.

Evidence
Something (including testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact.

Formal Complaint
A document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that UIC investigate the allegation of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of UIC. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by email or through an online portal) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party in the investigation.

Signed Complaint
A document filed by a Complainant alleging sexual misconduct against a Respondent and requesting that UIC investigate the allegation of sexual misconduct. A Signed Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by email or through an online portal) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Signed Complaint. A Formal Complaint is a type of Signed Complaint.

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[1] "Domestic violence" includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; is cohabitating or has cohabitated with the victim as a spouse or intimate partner; shares a child in common with the victim; or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Illinois.

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Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct and who has been accused of violating the UIC Sexual Misconduct Policy. If the alleged violation involves Title IX, the Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

Sexual Assault (See 20 U.S.C. 1092 (f)(6)(A)(v)).

- **Forcible Fondling**. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim. Private body parts includes breast, buttocks, groin, and sex organs.
- **Incest**. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Rape**. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes attempted rape and assault with intent to commit rape.
- **Sexual Assault with an Object**. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim.
- **Forcible Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim.
- **Statutory Rape**. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

Sexual Exploitation

The use of another person's nudity or sexual activity without consent for the purpose of sexual gratification, financial gain, or anyone's advantage or benefit other than the person whose nudity or sexual activity is being used. Sexual Exploitation includes, but is not limited to:

1. observing, recording, or photographing nudity or sexual activity of one or more persons without their consent in a location where there is a reasonable expectation of privacy;
2. allowing another to observe, record, or photograph nudity or sexual activity of one or more persons without their consent; or,
3. otherwise distributing recordings, photographs, or other images of the nudity or sexual activity of one or more persons without their consent.

Sexual Misconduct

Title IX Sexual Harassment, hostile environment harassment, sexual assault, dating violence, domestic violence, stalking, sexual violence, or sexual exploitation as defined here.

Retaliation

Any action or attempted action taken by an accused individual or a third party against any person because that person opposed any practices forbidden under this policy or because that person in good faith filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken or attempted against a bystander who intervened to stop or attempt to stop sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's good faith complaint or participation in the complaint process.

Title IX Sexual Harassment (See 34 CFR 106.30(a))

Conduct on the basis of sex that satisfies one or more of the following:

(1) Quid pro quo: A university employee conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct;

(2) Hostile environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity;
(3) Sexual Assault (as defined in this policy);
(4) Stalking (as defined in this policy);
(5) Dating Violence (as defined in this policy); or
(6) Domestic Violence (as defined in this policy).

Hostile Environment Harassment

Unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational opportunities, assessment or status at UIC; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

Sexual Violence

Physical acts attempted or perpetrated against a person's will or when a person is incapable of giving consent. Sexual violence includes sexual assault.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

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

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to UIC's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UIC's educational environment, or deter Sexual Misconduct.

- Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. UIC will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of UIC to provide the supportive measures.

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- The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

REPORTING SEXUAL MISCONDUCT TO UIC

How to Report an Incident to the Title IX Coordinator

Responding to incidents of sexual misconduct can be challenging, whether you are the person harmed or someone trying to help. All of us play a vital role in making UIC a respectful and safe place to learn, work, and live. UIC strongly encourages the prompt reporting of sexual misconduct either disclosed, experienced, or observed.

- A report of sex discrimination or sexual misconduct, including sexual harassment, may be made by anyone, including a person who has experienced sexual misconduct; or a third party or bystander who has information that sexual misconduct may have occurred.
- The report may be made in-person, by telephone, or by email to the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the verbal or written report.
- A report may be made any time (including during non-business hours) by using the telephone number 312-996-8670 or email address titleix@uic.edu, or by mail to the Title IX Coordinator's attention to 809 S. Marshfield Ave, Room 717, Chicago, IL 60612.

Where to Report an Incident at UIC

Individuals have the right to choose to report or not report the incident to UIC officials, on-campus or local law enforcement, or confidential services, separately or simultaneously.

The report may be made to the Chicago Police Department or other local police department; the UIC, UIS, or UIUC Police Departments; UIC's Title IX Coordinator; UIC's Dean of Students; UIC's Campus Advocacy Network (CAN), UIC's Counseling Center; or local and national crisis centers.

Type of Report	To Whom to Report	How to Report
To report a crime off-campus	Chicago Police Department	Call 911 if off-campus
To report a crime on-campus	UIC Police Department	Call 312-355-5555 or x5-5555
To report sexual misconduct and request supportive measures or a sexual misconduct investigation	Title IX Coordinator, Office for Access and Equity	Call (312) 996-8670 Email titleix@uic.edu Submit a report at oae.uic.edu under File A Report -> Sexual Misconduct/Title IX Reporting
To report violations of the UIC Student Conduct Code / Student Disciplinary Policy	Assistant Dean of Students, Office of the Dean of Students	Call (312) 996-4857 Email dos@uic.edu Submit the Student Misconduct Incident Report Form located at go.uic.edu/conductIR
To explore your options or ask questions in a confidential setting	Campus Advocacy Network (CAN), Women's Leadership & Resource Center	Call (312) 413-8206 Email can-appointment@uic.edu
To report an incident for inclusion in the annual disclosure of crime statistics	UIC Police (directly or by using the Anonymous (or Voluntary) Incident Reporting Form)	Submit the Anonymous (or Voluntary) Incident Reporting Form
To report anonymously or electronically	Reports are received by the UICPD and the Title IX Coordinator.	Submit a report at oae.uic.edu under File A Report -> Sexual Misconduct/Title IX Reporting

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Additional resources, including counseling services or local and national crisis centers, are available at the end of this section.

Right to Receive Assistance from Campus Authorities

Individuals have the right to request and receive assistance from UIC in notifying law enforcement and in accessing and navigating on- and off-campus health and mental health services and counseling.

What Happens When a Report is Made to UIC

Reports of sexual misconduct made to Responsible Employees (including faculty and staff), the UIC Police Department, and the Dean of Students are referred by to the Title IX Coordinator in the Office for Access and Equity.

When the Title IX Coordinator receives a report of sexual misconduct, whether the alleged offense occurred on or off campus, reporter and/or Complainant will be provided with a written outreach including:

- Rights and options related to reporting the incident and requesting and receiving assistance from the University, law enforcement, confidential resources, and/or other providers;
- Summary of the University's complaint resolution procedures, including the grievance process for Formal Complaints of Title IX Sexual Harassment;
- Availability of supportive measures, including interim safety measures, academic measures, and counseling services, with or without the filing of a Formal Complaint;
- Inquiry regarding the Complainant's wishes with respect to supportive measures;
- Information about the individual's rights to privacy and confidentiality;
- List of support services and resources at UIC and within the community *(see resources and contact information at the end of this section)*.

Supportive Measures

Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. UIC will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Notification of the Title IX Coordinator, Policy, and Resolution Procedures

The Title IX Coordinator's contact information and the University's complaint resolution procedures, including the Title IX Sexual Harassment Grievance Process, will be made publically available to the following:

- Applicants for admission;
- Students;
- Applicants for employment;
- Employees;
- Sources of referral for applicants for admission and employment;
- All unions or professional organizations with collective bargaining agreements.

The notice states that UIC does not discriminate on the basis of sex in its education programs or activities, including admissions and employment, in compliance with Title IX of the Education

Amendments Act of 1972 (“Title IX”) and related laws and regulations.

The notice will also include a web link to information on how to report or file a complaint of sex discrimination and sexual misconduct, how to report or file a Formal Complaint of Title IX Sexual Harassment, and how the University will respond.

Confidentiality

For the purposes of Clery Act reporting and disclosures, no identifying information about the victim or reporting person will be disclosed in publically available recordkeeping, such as the Daily Crime Log or the Annual Security and Fire Safety Report (ASFSR).

UIC will maintain as confidential any supportive measures provided to an individual, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures.

If an individual requests confidentiality when reporting, UIC will take all reasonable steps to honor the request, taking into account that confidentiality may not be possible in every case given UIC’s responsibility to provide a safe environment for all members of the UIC community.

Information regarding sexual misconduct reports and investigations involving students, including any outcomes, will be shared with University employees with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted under UIC policy and applicable law.

Removal from Campus

The Title IX Coordinator may recommend the removal of a student-Respondent from UIC’s campus or education program or activity on an emergency basis, only after:

- Undertaking an individualized safety and risk analysis; and
- Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal; and
- Providing the Respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, as applicable.

The Title IX Coordinator may recommend the placement of an employee-Respondent on paid administrative leave during the pendency of a grievance process under existing procedures, without modifying any rights provided under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Reports Involving Other University of Illinois Affiliated Individuals

If a report involves a University of Illinois Springfield (UIS) or University of Illinois Urbana-Champaign (UIUC) student- or employee- Complainant or Respondent, then UIC, UIS, and UIUC will coordinate with the appropriate Title IX Coordinator for investigation and/or Dean of Students or supervisory authority for adjudication.

TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS

Overview

For all reports or complaints alleging “Title IX Sexual Harassment” as defined above, UIC will use this grievance process. Processing a report or complaint under the Title IX Sexual Harassment Grievance Process does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by Title IX and other laws and applicable policies.

For all other reports or complaints of sexual misconduct other than Title IX Sexual Harassment, the Sexual Misconduct Grievance Process (below) will be used.

If the regulations implementing Title IX at 85 Fed. Reg. 30026, 30026-30579 are enjoined or invalidated by a Federal Court with jurisdiction over the University or reversed or replaced by any agency with sufficient authority, the Sexual Misconduct Grievance Process will immediately begin to apply to all reports and complaints of sexual misconduct, including Title IX Sexual Harassment, and the Title IX Sexual Harassment Process will immediately be inoperative unless and until any such injunction, invalidation, reversal, or replacement is overturned.

Determination of Responsibility

The Respondent is presumed to not be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process by a preponderance of evidence.

If there is a determination of responsibility against the Respondent, the Complainant will be provided with equitable remedies. Remedies are designed to restore or preserve equal access to the University's education program or activity. Post-determination remedies may include the same supportive measures that are available prior to or after a Formal Complaint, and can also be disciplinary or punitive toward the Respondent.

Impartiality of Officials

All individuals involved in the grievance process, including the Title IX Coordinator, investigators, hearing officer(s)/panel(s) will be reviewed to ensure there is not a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.

Evaluation of Evidence

All individuals involved in the grievance process, including the Title IX Coordinator, investigators, and hearing officer(s)/panel(s), will objectively evaluate all relevant evidence – including both inculpatory and exculpatory evidence – and determine credibility without respect to a person's status as a Complainant, Respondent, or witness.

Evidentiary Standard

The evidentiary standard for the grievance process is preponderance of the evidence, which means more likely than not or 51%. This evidentiary standard is applied uniformly for all Formal Complaints of Title IX Sexual Harassment against students and employees, including faculty.

Time Frames

Whenever possible, Formal Complaints are addressed within 130 days of filing, including completing the investigation and any process to adjudicate the allegations and, if appropriate, consider sanctions, unless UIC reasonably determines for good cause that additional time is required. Good cause may include, but is not limited to, the unavailability of a party, a party's advisor, or a witness; concurrent law enforcement activity; complying with collective bargaining agreements, complying with other legal requirements, or the need for language assistance or accommodation of disabilities. In such cases, UIC simultaneously provides written notice of the delay and the reason for it to the Complainant and the Respondent.

Subject to the extension of time frames for good cause, the following time frames apply:

- Informal Resolution will be concluded within 20 days of commencement of the informal resolution unless extended by the parties;
- Investigative Report will be provided within 60 days of receipt of the Formal Complaint;
- Written Decision will be provided within 60 days of receipt of the final written responses and evidence from the parties; and

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- Appeal Decision will be issued within 30 days of receipt of the notice of appeal.
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Concurrent Court Proceedings

The Title IX Coordinator will not wait for the conclusion of any criminal investigation or proceedings, including civil proceedings, before beginning the grievance process. The Investigator may, however, need to temporarily delay the evidence gathering portion of an investigation while the police are gathering evidence. In such cases, UIC simultaneously provides written notice of the delay and the reason for it to the Complainant and the Respondent. As soon as it is appropriate to proceed, the Investigator will promptly resume and complete the investigation. UIC may take immediate steps to protect the educational setting at any time if it determines such steps are necessary.

Formal Complaint

The Title IX Coordinator may decide to consolidate multiple Formal Complaints in instances when:

- There are allegations of Title IX Sexual Harassment against more than one Respondent; or
- There are allegations by more than one Complainant against one or more Respondents; or
- The allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

The Complainant may also request that a Formal Complaint not be pursued. The Title IX Coordinator or designee will make every effort to respect the request, as well as evaluate the request in the context of UIC's responsibility to provide a safe and non-discriminatory environment for the UIC community. The Complainant will be informed that honoring the request may limit UIC's ability to fully respond to the alleged incident. Even if UIC cannot initiate the conduct review process for the Respondent, UIC may pursue other steps to limit the effects of the alleged conduct and prevent its recurrence.

Dismissal of a Formal Complaint

A Formal Complaint of Title IX Sexual Harassment must be dismissed with respect to allegations of Title IX Sexual Harassment by the Title IX Coordinator within 5 days of the receipt of a Formal Complaint if or within 5 days of discovering that:

- The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment, as defined, even if proved; or
- The conduct alleged did not occur in UIC's education program or activity; or
- The conduct alleged did not occur against a person in the United States; or
- At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the education program or activity of UIC.

A Formal Complaint of Title IX Sexual Harassment or any allegation therein may be dismissed by the Title IX Coordinator at any time during the grievance process if:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; and/or
- The Respondent is no longer enrolled or employed by the University; and/or
- Specific circumstances prevent the Title IX Coordinator or designee from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon a required or permitted dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal to the parties simultaneously.

If a Formal Complaint of Title IX Sexual Harassment or any allegation therein is dismissed, UIC and Complainants may seek to address the alleged conduct under other applicable UIC processes, including the Office for Access and Equity's Sexual Misconduct Grievance Process or the Dean of Students Student Disciplinary Policy.

Notice of Investigation

Upon receipt of a Formal Complaint, and if the Formal Complaint is not dismissed, the Title IX Coordinator will provide the following written notice to the parties who are known:

- Notice of the University's Title IX Sexual Harassment Grievance Process, including any informal resolution process.
- Notice of the allegations of Title IX Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview, which in no case shall be conducted within less than 24 hours of the notice, including:
    - The identities of the parties involved in the alleged incident, if known;
    - The conduct allegedly constituting Title IX Sexual Harassment;
    - The date and location of the alleged incident, if known;
    - A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
    - A statement that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice to the parties that they may have an advisor of their choice, who can be, but is not required to be, an attorney;
- Notice to the parties that their advisor may inspect and review evidence obtained during the investigation;
- Notice of the relevant prohibitions on knowingly making false statements or knowingly submitting false information during the grievance process; however, a determination of responsibility, alone is not sufficient to conclude that a party made a false statement.

If applicable to an investigation, an updated written notice will be provided to Respondent of any additional allegations added after the initial notice to the parties whose identities are known.

Informal Resolution Process

After the filing of a Formal Complaint of Title IX Sexual Harassment and at any time prior to reaching a determination regarding responsibility, the parties may opt for UIC to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

UIC will not require that parties participate in an informal resolution process in lieu of an investigation and adjudication. Participation in an informal resolution is a voluntary decision. Informal resolution will not be offered or available to resolve allegations that an employee sexually harassed a student.

Participation in informal resolution, rather than an investigation and adjudication, will not be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, or construed as constituting a waiver of the right to an investigation and adjudication of Formal Complaints of Title IX Sexual Harassment consistent with this procedure.

Prior to the commencement of an informal resolution process, the parties will receive a written notice disclosing:

- The allegations of the Formal Complaint;
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint;
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- That the parties must provide their voluntary written consent to the informal resolution process.

Conflict of Interest

If informal resolution is requested, a conflicts review will be conducted to ensure that the facilitator by UIC to facilitate the informal resolution does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Investigative Process

Collection of Evidence

Throughout the investigation of allegations in a Formal Complaint, the parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and provide inculpatory and exculpatory evidence. UIC will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will be with the Title IX Coordinator and designee(s) and not with the Complainant or Respondent.

Advisors and Support Persons

The parties will be provided with the same opportunities to have other individuals, such as a support person, attend any grievance process meeting and hearing, including a parent, a family member, a friend, a colleague, or a union representative.

The parties are strongly encouraged and will be allowed to have an advisor of their choice accompany them to any meeting or hearing related to an allegation of Title IX Sexual Harassment.

During the investigative process, the advisor's role is solely limited to providing advice, guidance, and support to the party. The advisor will not be permitted to provide a statement on behalf of the party. If the advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual resolving the complaint, that advisor may be prohibited from further participation.

1. Interview of Complainant and Respondent

The investigative process is conducted by one or more investigators designated by the Title IX Coordinator. The Title IX Coordinator may also participate in an investigation as an investigator if deemed necessary by the Associate Chancellor for the Office for Access and Equity. When the Title IX Coordinator is assigned as an investigator, the Associate Chancellor for the Office for Access and Equity will serve in the usual and customary role of the Title IX Coordinator until such time the investigation is complete. The investigator is responsible for contacting and interviewing the Complainant, any Complainant witnesses, the Respondent, any Respondent witnesses, and any witnesses the investigator deems necessary.

The investigator will meet separately with the Complainant and Respondent. During each meeting, and to the extent information has not been previously shared, the investigator will provide the following information to the Complainant, Respondent, and witnesses:

1) UIC's Sexual Misconduct Policy;
2) Overview of the investigative process;
3) Summary of procedural rights in the investigative process;
4) Option to have an advisor and/or support person present;
5) Option to request supportive measures;
6) List of available support resources on campus; and
7) Prohibition of retaliation.

The investigator will ask for all information relevant to the allegations. For both parties, this is their opportunity to present any information regarding the alleged incident, including names of witnesses, the existence of documents, emails, text messages, or recordings, or any other information the parties feel may be relevant.

Title IX regulations that led to policy and procedure revisions in 2024 were recently vacated in State of Tennessee, et al v. Miguel Cardona, et al. Accordingly, the August 1, 2024, updates have been withdrawn, and the Sexual Misconduct policies and procedures that were in place July 31, 2024, have been restored. Procedures effective August 15, 2022.

2. Interviews of Witnesses and Collection of Relevant Information

As part of the investigation, the investigator may conduct additional investigative and witness interviews as appropriate and review all available relevant evidence. This may include reviewing student and/or personnel files and reviewing law enforcement documents or evidence.

The University cannot 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 a grievance process.

3. Review of Investigative Report and Evidence

The Investigator shall provide the Complainant and Respondent an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which UIC 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 conclusion of the investigation. To that end, upon conclusion of the collection of evidence, including all relevant interviews, and prior to completion of the investigative report, the University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy format. The Complainant and Respondent will be given 10 days to review the evidence, subject to applicable privacy laws, and provide a written response, which the investigator will consider prior to completion of the investigative report.

After the 10-day period has ended, the investigator will prepare an investigative report that fairly summarizes all of the evidence collected, including any additional statements provided by the parties as part of their written response. At least 10 days prior to a hearing or other time of determination regarding responsibility, the investigator shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

The Title IX Coordinator will then refer the Formal Complaint, the investigative report, and any written responses to the report submitted by the parties, to the respective hearing officer. The referral will be transmitted simultaneously to the Complainant, Respondent, and their advisors, if identified.

Whether included as relevant in the investigative report or not, the Title IX Coordinator will make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Title IX Hearing Procedures for Student-Respondent

- The investigative report will be provided to the Dean of Students for a live hearing in accordance with these procedures and the Student Disciplinary Policy for a determination regarding responsibility and determination of whether the alleged conduct constitutes a violation of the UIC Sexual Misconduct Policy.
- If the Hearing Panel finds, by a preponderance of the evidence, that the Respondent is responsible for Title IX Sexual Harassment, it may impose any combination of the sanctions set forth in the Student Code of Conduct, as appropriate.
- Additional information regarding the Office of the Dean of Students' Student Disciplinary Policy, hearing process, and appeals process can be found at go.uic.edu/disciplinary policy.

Title IX regulations that led to policy and procedure revisions in 2024 were recently vacated in State of Tennessee, et al v. Miguel Cardona, et al. Accordingly, the August 1, 2024, updates have been withdrawn, and the Sexual Misconduct policies and procedures that were in place July 31, 2024, have been restored. Procedures effective August 15, 2022.

Title IX Hearing Procedures for Employee-Respondent

Scheduling

Following the submission of the investigative report to the respective hearing officer decision-maker ("hearing officer"), a live hearing in accordance with these procedures will be scheduled at a time that is mutually agreeable to Complainant, Respondent, and their respective advisors. The Title IX hearing will be scheduled at least 10 days after the transmittal of the referral.

Title IX hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. For hearings conducted with all parties physically present in the same geographic location, at the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing officer(s) and parties to simultaneously see and hear the party or the witness answering questions.

Hearing Officer(s)

The Title IX Coordinator will identify the hearing officer(s) for the Title IX hearing. The hearing officer(s) will not be the same person(s) as the Title IX Coordinator or the investigator(s).

If there is one hearing officer, the person will simultaneously serve as the hearing chair. If there is more than one hearing officer, one of the hearing officers will be selected as the hearing chair. The hearing chair will make determinations of relevancy on all cross-examination questions before the relevant party or witness answers the question.

The Complainant and Respondent will receive notice of the appointment of the hearing officer(s) and have the opportunity to request a substitution if the participation of a hearing officer poses a conflict of interest.

Advisors

If a party does not have an advisor for the hearing, the University will provide an advisor without fee or charge to that party solely for the purpose of conducting cross-examination on behalf of that party. The selection of the advisor will be within the University's discretion and is not required to be an attorney. The party's advisor will be responsible for conducting cross-examination on behalf of that party.

Support Person

In addition to an advisor, a party may choose to have a support person present at the hearing. The support person may be a friend, family member, spouse, advocate, or any other individual who is not a witness in the investigation. The roles of the support person or advocate will be limited to offering or providing support to a party; the support person will not have speaking role during the Title IX hearing.

Reasonable Accommodations

Any party or other individual who will be present for the hearing may submit a request for disability-related accommodations to the Title IX Coordinator. The requests should be made in a timely manner prior to the hearing to arrange for reasonable accommodations.

Recording

An audio recording will be made of any Title IX hearing and, upon request, be available to the Complainant and Respondent for inspection and review at the Office for Access and Equity during regular business hours.

Any unauthorized recording of the hearing is strictly prohibited and may result in separate disciplinary proceedings.

Live Hearing Process

Title IX regulations that led to policy and procedure revisions in 2024 were recently vacated in State of Tennessee, et al v. Miguel Cardona, et al. Accordingly, the August 1, 2024, updates have been withdrawn, and the Sexual Misconduct policies and procedures that were in place July 31, 2024, have been restored. Procedures effective August 15, 2022.

Introduction/Reading of Allegations

The hearing chair will convene the hearing by requesting that all individuals who are present state their identity. The hearing chair will then read the alleged violations as identified by the Title IX Coordinator.

Opening Statements

The Complainant, and then the Respondent, will be invited to make a brief opening statement (1-3 minutes) for the purpose of providing the hearing officer(s) with a short summary of their positions relevant to the Formal Complaint and the evidence and/or witnesses to be presented.

Presentation of Investigative Report

The Title IX Coordinator or designee will present a summary of the investigative report. The Complainant, Respondent, and hearing officer(s) will have an opportunity to ask questions to the Title IX Coordinator or designee related to the investigative report. The Title IX Coordinator or designee will remain for the duration of the hearing.

Presentation of Evidence and Cross-Examination

The Complainant, and then Respondent, will present to the hearing officer(s) any and all relevant information, evidence, and witnesses to support their positions. Witnesses will only be present at the hearing while providing their testimony and answering any questions.

Following the testimony of each participant, the hearing officer(s) will permit the non-presenting party's advisor to ask all relevant questions and follow-up questions, including those challenging credibility.

Cross-examination of a party must be conducted directly, orally, and in real time by the other party's advisor of choice and never by the other party personally. **Advisors will only be permitted to speak during cross-examination period.**

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination question, the hearing officer(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or such questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a Complainant, Respondent, or witness does not submit to cross-examination (i.e. answer those cross-examination questions that are relevant as determined by the hearing chair) at the Title IX hearing, the hearing officers(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility.

If a Complainant, Respondent, or witness is absent from the hearing or refuses to answer cross-examination or other questions, the hearing officer(s) cannot draw an inference about the determination regarding responsibility based solely on the individual's absence or refusal to answer cross-examination or other questions.

Closing Statements

The Complainant, and then the Respondent, may each make a brief closing statement (1-3 minutes). The closing statement should be a short summary of the materials and information presented during the hearing and any relevant information that the party would like to share with the hearing officer(s).

Executive Session

The hearing chair will excuse all participants and attendees of the hearing and enter into executive

session during which the hearing officer(s) will assess the information presented and make a determination.

Sanctions

The range of possible sanctions for employee-Respondents determined to be responsible for Title IX Sexual Harassment includes oral warnings, written warnings, or reassignment. Sanctions may also include initiation of processes to effectuate a demotion, paid or unpaid suspension, severe sanctions less than dismissal, discharge, and/or termination.

Determination

After the conclusion of the hearing, the hearing officer(s) will issue a written determination regarding Respondent's responsibility by using the preponderance of evidence standard.

The written determination will include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment;
- A description of 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;
- Findings of fact supporting the determination regarding responsibility;
- Conclusions regarding the application of UIC's policies to the facts;
- A statement of, and rationale for, the result as to each allegation, including:
    - A determination regarding responsibility;
    - Any disciplinary sanctions the University imposes on the Respondent; and
    - Whether remedies designed to restore or preserve equal access to the University's education program or activity, including relevant employment opportunities, will be provided by the University to the Complainant.
- The University's procedures and permissible bases for the Complainant and the Respondent to appeal.

The Title IX Coordinator will provide the written determination of the hearing officer(s) to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the Title IX Coordinator provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeal Process

Either party may appeal a determination regarding responsibility, and a dismissal of a Formal Complaint or any allegations therein, on any of the following bases:

- 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
- The Title IX Coordinator, investigator(s), or hearing officers(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, which affected the outcome of the matter.

The decision-maker(s) for the appeal ("appeal officer") will not be the same person as the hearing officer(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The appeal officer will notify the other party in writing when an appeal is filed and implement appeal procedures that apply equally for all parties. The parties will be provided with a reasonable, equal

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opportunity to submit a written statement in support of, or challenging, the outcome.

After review, within 30 days, the appeal officer will issue a written decision describing the result of the appeal and the rationale for result. The Title IX Coordinator will provide the written determination of the appeal officer(s) to the parties simultaneously.

Recordkeeping

The University will maintain for a period of 7 years the records of:

- Each Title IX Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript;
- Any disciplinary sanctions imposed on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- Any appeal and the result therefrom; and
- Any informal resolution and the result therefrom.

The University will also maintain for a period of not less than 7 years all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The University makes these training materials publicly available on its website.

The University will maintain for a period of 7 years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Title IX Sexual Harassment. In each instance, the Title IX Coordinator or designee will document the basis for the conclusion that the University's response was not deliberately indifferent, and document that the University has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a Complainant with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

Student Conduct Records Disclosure

Under the UIC Student Records Policy, Section IV. A. Disclosure not requiring consent, there are circumstances for which a student's disciplinary records may be released without the consent of the student.

The university may disclose the final results of a disciplinary hearing, regardless of the outcome, to a victim of an alleged perpetrator of a crime of violence (e.g., actual or attempted arson, assault, burglary, criminal homicide, vandalism of property, kidnapping/abduction, robbery, and forcible sex offenses) or non-forcible sex offense.

The university may disclose student educational records information (including the final result of disciplinary proceedings) to any third party in cases where the student has been found to be an alleged perpetrator of a crime of violence or non-forcible sex offense, and with respect to the alleged crime or offense, the student has been found to have committed a violation of the university's rules or policies. The university will not disclose the name of any other student (victim or witness) without the prior written consent of the other student(s).

SEXUAL MISCONDUCT GRIEVANCE PROCESS

Overview

For all reports or complaints alleging sexual misconduct that are outside the scope of "Title IX Sexual

Harassment" as defined above, UIC will use this Sexual Misconduct Grievance Process. Processing a report or complaint under the Sexual Misconduct Grievance Process does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by applicable policies and laws.

Remedies

If there is a determination of responsibility against the Respondent, the Complainant may be provided with equitable remedies. Remedies are designed to restore or preserve equal access to the University's education program or activity. Post-determination remedies may include the same supportive measures that are available prior to or after a Signed Complaint, and can also be disciplinary or punitive toward the Respondent.

Impartiality of Officials

All individuals involved in the grievance process, including the Title IX Coordinator and investigators, will be reviewed to ensure there is not a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.

Evaluation of Evidence

All individuals involved in the grievance process, including the Title IX Coordinator, investigators, and hearing officer(s)/panel(s), will objectively evaluate all relevant evidence – including both inculpatory and exculpatory evidence – and determine credibility without respect to a person's status as a Complainant, Respondent, or witness.

Evidentiary Standard

The evidentiary standard for the grievance process is preponderance of the evidence, which means more likely than not or 51%. This evidentiary standard is applied uniformly for all Signed Complaints of sexual misconduct against students and employees, including faculty.

Time Frames

Whenever possible, Signed Complaints are addressed within 130 days of filing, including completing the investigation and any process to adjudicate the allegations and, if appropriate, consider sanctions, unless UIC reasonably determines for good cause that additional time is required. Good cause may include, but is not limited to, the unavailability of a party, a party's advisor, or a witness; concurrent law enforcement activity; complying with collective bargaining agreements, complying with other legal requirements, or the need for language assistance or accommodation of disabilities.

Concurrent Court Proceedings

The Title IX Coordinator will not wait for the conclusion of any criminal investigation or proceedings, including civil proceedings, before beginning the grievance process. The Investigator may, however, need to temporarily delay the evidence gathering portion of an investigation while the police are gathering evidence. In such cases, UIC simultaneously provides written notice of the delay and the reason for it to the Complainant and the Respondent. As soon as it is appropriate to proceed, the Investigator will promptly resume and complete the investigation. UIC may take immediate steps to protect the educational setting at any time if it determines such steps are necessary.

Signed Complaint

The Title IX Coordinator may decide to consolidate multiple Signed Complaints in instances when:

- There are allegations of sexual misconduct against more than one Respondent; or
- There are allegations by more than one Complainant against one or more Respondents; or
- The allegations of sexual misconduct arise out of the same facts or circumstances.

The Complainant may also request that a Signed Complaint not be pursued. The Title IX Coordinator or designee will make every effort to respect the request, as well as evaluate the request in the context of UIC's responsibility to provide a safe and non-discriminatory environment for the UIC community. The Complainant will be informed that honoring the request may limit UIC's ability to fully respond to the alleged incident. Even if UIC cannot initiate the conduct review process for the Respondent, UIC may pursue other steps to limit the effects of the alleged conduct and prevent its recurrence.

Dismissal of a Signed Complaint

A Signed Complaint of sexual misconduct may be dismissed by the Title IX Coordinator for any of the following reasons:

- The Title IX Coordinator determines that the conduct alleged in the Signed Complaint would not constitute sexual misconduct, as defined, even if proved; or
- At the time of filing a Signed Complaint, a Complainant is not participating in or attempting to participate in the education program or activity of UIC; or
- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Signed Complaint or any allegations therein; or
- The Respondent is no longer enrolled or employed by the University; or
- Specific circumstances prevent the Title IX Coordinator or designee from gathering evidence sufficient to reach a determination as to the Signed Complaint or allegations therein.

Upon a dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal to the parties simultaneously.

If a Signed Complaint of sexual misconduct is dismissed, UIC and/or Complainants may seek to address the alleged conduct under other applicable UIC processes, including the Dean of Students Student Disciplinary Policy and the University of Illinois Code of Conduct.

Notice of Investigation

Upon receipt of a Signed Complaint, and if the Signed Complaint is not dismissed, the Title IX Coordinator will provide the following written notice to the parties who are known:

- Notice of the University's Sexual Misconduct Grievance Process, including any informal resolution process.
- Notice of the allegations of sexual misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview, which in no case shall be conducted within less than 24 hours of the notice, including:
    - The identities of the parties involved in the alleged incident, if known;
    - The conduct allegedly constituting sexual misconduct;
    - The date and location of the alleged incident, if known;
- Notice to the parties that they may have an advisor of their choice, who can be, but is not required to be, an attorney;
- Notice of the relevant prohibitions on knowingly making false statements or knowingly submitting false information during the grievance process; however, a determination of responsibility, alone is not sufficient to conclude that a party made a false statement.

If applicable to an investigation, an updated written notice will be provided to Respondent of any additional allegations added after the initial notice to the parties whose identities are known.

Signed Complaint Investigative Process

Collection of Evidence

Throughout the investigation of allegations in a Signed Complaint, the parties will have an equal

Title IX regulations that led to policy and procedure revisions in 2024 were recently vacated in State of Tennessee, et al v. Miguel Cardona, et al. Accordingly, the August 1, 2024, updates have been withdrawn, and the Sexual Misconduct policies and procedures that were in place July 31, 2024, have been restored. Procedures effective August 15, 2022.

opportunity to present witnesses, including fact and expert witnesses, and provide inculpatory and exculpatory evidence. UIC will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Advisors and Support Persons

The parties will be provided with the same opportunities to have other individuals, such as a support person, attend any grievance process meeting and hearing, including a parent, a family member, a friend, a colleague, or a union representative.

The parties are strongly encouraged and will be allowed to have an advisor of their choice accompany them to any meeting or hearing related to an allegation of sexual misconduct.

During the investigative process, the advisor's role is solely limited to providing advice, guidance, and support to the party. The advisor will not be permitted to provide a statement on behalf of the party. If the advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual resolving the complaint, that advisor may be prohibited from further participation.

1. Interview of Complainant and Respondent

The investigative process is conducted by one or more investigators designated by the Title IX Coordinator. The Title IX Coordinator may also participate in an investigation as an investigator if deemed necessary by the Associate Chancellor for the Office for Access and Equity. When the Title IX Coordinator is assigned as an investigator, the Associate Chancellor for the Office for Access and Equity will serve in the usual and customary role of the Title IX Coordinator until such time the investigation is complete. The investigator is responsible for contacting and interviewing the Complainant, any Complainant witnesses, the Respondent, any Respondent witnesses, and any witnesses the investigator deems necessary.

The investigator will meet separately with the Complainant and Respondent. During each meeting, and to the extent information has not been previously shared, the investigator will provide the following information to the Complainant, Respondent, and witnesses:

1) UIC's Sexual Misconduct Policy;
2) Overview of the investigative process;
3) Summary of procedural rights in the investigative process;
4) Option to have an advisor and/or support person present;
5) Option to request supportive measures;
6) List of available support resources on campus; and
7) Prohibition of retaliation.

The investigator will ask for all information relevant to the allegations. For both parties, this is their opportunity to present any information regarding the alleged incident, including names of witnesses, the existence of documents, emails, text messages, or recordings, or any other information the parties feel may be relevant.

2. Interviews of Witnesses and Collection of Relevant Information

As part of the investigation, the investigator may conduct additional investigative and witness interviews as appropriate and review all available relevant evidence. This may include reviewing student and/or personnel files and reviewing law enforcement documents or evidence.

The University cannot 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 a grievance

process.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or such questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

3. Review of Evidence

The Investigator shall provide the Complainant and Respondent an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Signed Complaint. To that end, upon conclusion of the collection of evidence, including all relevant interviews, and prior to completion of the investigation, the University will send to each party the evidence subject to inspection and review in an electronic format or a hard copy format. The Complainant and Respondent will be given 10 days to review the evidence, subject to applicable privacy laws, and provide a written response, which the investigator will consider prior to completion of the investigation. After the 10-day period has ended, the investigator will prepare an evidence packet that fairly summarizes all of the evidence collected, including any additional statements provided by the parties as part of their written response.

Adjudication

For Employee-Respondents

After the conclusion of the investigation, the investigator will issue a written determination regarding Respondent's responsibility by using the preponderance of evidence standard. Prior to being issued, the investigator's written determination will be subject to an internal review by the Title IX Coordinator within the Office for Access and Equity.

The written determination will include:

- Identification of the allegations potentially constituting sexual misconduct;
- Findings of fact supporting the determination regarding responsibility;
- Conclusions regarding the application of UIC's policies to the facts;
- A statement of, and rationale for, the determination regarding responsibility as to each allegation;
- The University's procedures and permissible bases for the Complainant and the Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the Title IX Coordinator provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. If the Respondent is found responsible for violating the UIC Sexual Misconduct Policy, the written determination will be referred to the appropriate supervisor, unit head, Vice Chancellor, or other relevant administrator for appropriate employment action in accordance with applicable employment laws, policies, practices, and agreements.

The Title IX Coordinator is responsible for effective implementation of any remedies.

For Student-Respondents

After the conclusion of the investigation, the investigator will issue a written recommendation regarding Respondent's responsibility by using the preponderance of evidence standard. The investigator will recommend either a finding of a violation of the UIC Sexual Misconduct Policy or a finding of no violation of the UIC Sexual Misconduct Policy. Prior to being issued, the investigator's

written recommendation will be subject to an internal review by the Title IX Coordinator within the Office for Access and Equity.

The written recommendation will include:

- Identification of the allegations potentially constituting sexual misconduct;
- The evidence packet; and
- A statement of, and rationale for, the investigator's recommendation regarding responsibility as to each allegation.

The Title IX Coordinator will provide the written recommendation to the parties simultaneously. The written recommendation will also be referred to the Office of the Dean of Students for a hearing in accordance with the Student Disciplinary Policy for determination of whether the Respondent is responsible for a violation of the UIC Sexual Misconduct Policy. The Office of the Dean of Students is not bound by, nor is it required to adopt, the recommendation of the Title IX investigator.

Additional information regarding the Office of the Dean of Students' Student Disciplinary Policy, hearing process, and appeals process can be found at https://go.uic.edu/disciplinarypolicy.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeal Process for Employee-Respondents

Either party may appeal a determination regarding responsibility, and a dismissal of a Signed Complaint or any allegations therein, on any of the following bases:

- 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
- The Title IX Coordinator or investigator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, which affected the outcome of the matter.

The decision-maker(s) for the appeal ("appeal officer") will not be the same person as the investigator(s), or the Title IX Coordinator.

The appeal officer will notify the other party in writing when an appeal is filed and implement appeal procedures that apply equally for all parties. The parties will be provided with a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

After review, within 30 days, the appeal officer will issue a written decision describing the result of the appeal and the rationale for result. The Title IX Coordinator will provide the written determination of the appeal officer(s) to the parties simultaneously.

TRAINING FOR UIC OFFICIALS INVOLVED IN THE COMPLAINT RESOLUTION PROCESS

All individuals involved in the Title IX Sexual Harassment Grievance Process, including the Title IX Coordinator, investigators, hearing officer(s)/panel(s), appeal officer, and any person designed to facilitate an informal resolution process, will receive training on the definition of Title IX Sexual Harassment, the scope of UIC's education program and activity, how to conduct an investigation and grievance process (including hearings, appeal, and informal resolution processes), how to serve impartially (by avoiding prejudgment of facts at issue, conflicts of interest, and bias), any technology to be used at a live hearing, issues of relevance of questions and evidence, and issues of relevance to create an investigative report that fairly summarizes relevant evidence. The training materials are available online at http://sexualmisconduct.uic.edu.

Title IX regulations that led to policy and procedure revisions in 2024 were recently vacated in State of Tennessee, et al v. Miguel Cardona, et al. Accordingly, the August 1, 2024, updates have been withdrawn, and the Sexual Misconduct policies and procedures that were in place July 31, 2024, have been restored. Procedures effective August 15, 2022.

Further, all individuals whose duties include resolution of sexual misconduct complaints receive a minimum of 8 to 10 hours of annual training on issues related to sexual violence, dating violence, domestic violence, and stalking, and how to conduct the higher education's complaint resolution procedures in addition to the annual sexual misconduct training required by all university employees.

The materials used to train the individuals involved in the grievance process or informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Title IX Sexual Harassment.

In addition, all employees who are considered to be “Responsible Employees” are required to complete mandatory, online survivor-centered and trauma-informed response sexual misconduct training upon employee onboarding and annually.