# **DePaul University**

# **Preventing Sexual Violence in Higher Education Act Annual Report**

# **November 1, 2018**

# I. <u>Introduction and Background</u>

DePaul University is an urban, Catholic and Vincentian institution of higher education. DePaul has two main campuses in Chicago: the Loop campus and the Lincoln Park campus. DePaul also operates a nursing program out of the Rosalind Franklin University of Medicine and Science in North Chicago.

DePaul is committed to providing an environment that is free from all forms of discrimination and harassment, including sexual and relationship violence. Every member of the DePaul university community has the right to safety from the threat of sexual and relationship violence. Grounded in our commitment to valuing the dignity of all people, DePaul fosters a culture of respect and safety by implementing best practices in education, prevention, and holistic support and care. DePaul does not tolerate sexual and relationship violence and addresses incidents swiftly and equitably.

This Annual Report was prepared in accordance with the 110 ILCS 205/9.21(b). Any terms not otherwise defined herein are defined according to 110 ILCS 155/5. Because this Annual Report was prepared for a specific purpose, according to specific requirements, and using specific definitions, it is possible that certain information in this Annual Report may not appear to be consistent with information reported in other contexts, for other purposes. For example, the definition of "Sexual Violence" in ILCS 155/5 is different than the definition of "Sexual Offense" for purposes of DePaul's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act").

This Annual Report includes information for all of DePaul University's campuses. All of DePaul University's policies and procedures are equally applicable to each of its campuses. Except with respect to crimes and incidents reported in DePaul University's Annual Security Report for purposes of the Clery Act, DePaul University does not systematically track reports to the Title IX Coordinator, responsible employees or confidential and anonymous resources according to Clery geography.

Sections II-III of this Annual Report identify policies and documents that are current as of the date of submission of this Annual Report.

Sections IV and V of this Annual Report contain data from 2017 that are current as of the date of submission of this Annual Report. Incidents that span multiple years are included only in the applicable reporting categories. For example, if a report was received in 2016, but resolved through the Student Conduct Process in 2017, it is only included in the latter category. Conversely, if a report was received in 2017, but not resolved through the Student Conduct Process until 2018, it is only included in the former category.

Readers are cautioned to carefully read the Annual Report in its entirety in order to understand the full context of the report. Readers are asked to pay special attention to the "Additional Information" provided in Section V(H).

This Annual Report was prepared by:

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This Annual Report has been submitted via email to the Illinois Attorney General's Office and to the Illinois Department of Human Rights.

# II. Comprehensive Policy

110 ILCS 205/9.21(b)(1)

DePaul University's "comprehensive policy" in accordance with 110 ILCS 155/10 includes:

- (1) Sexual and Relationship Violence Prevention and Response policy
- (2) Anti-Discrimination and Anti-Harassment policy
- (3) Student Conduct Process

All three documents are attached to this Annual Report as Exhibits A-C.

DePaul has additional policies and procedures for addressing sexual and relationship violence through other complaint resolution procedures where the referred individual is not a student or is a student and the conduct occurred in the student's role as a student employee. These policies and procedures are not included within this Annual Report.

## III. Written Notification

110 ILCS 205/9.21(b)(2)

DePaul provides a written information sheet of rights and options to all individuals involved in an allegation of sexual or relationship violence, including both complainants and referred individuals. This "Sexual and Relationship Violence Information Sheet," which functions as the "concise, written notification of...rights and options" for students in accordance with 110 ILCS 155/15(a), is attached to this Annual Report as Exhibit D.

# IV. Primary Prevention and Awareness Programming

110 ILCS 205/9.21(b)(3)

Guided by DePaul University's Catholic, Vincentian mission, multiple departments across the University, including the Office of Health Promotion & Wellness, Residential Education, and the Office of Institutional Diversity and Equity, offer a wide range of preventative and awareness programming on issues such as sexual violence, dating violence, domestic violence, stalking, consent, healthy relationships and bystander intervention to students and other members of the DePaul community. This work is made possible through close collaborations between campus

departments, student organizations, student leaders, individual students, community agencies and local law enforcement.

A summary of DePaul's primary prevention and awareness programming for students, or groups that would include students, in accordance with 110 ILCS 155/30(b), including information about participation, where applicable, is attached as Exhibit E. As noted in Exhibit E, for programming aimed at multiple audiences, the data on participants includes all participants, not just students.

### V. Other Data

110 ILCS 205/9.21(b)(4-10)

### A. Reports made by or about DePaul students

110 ILCS 205/9.21(b)(4)

In 2017, DePaul's Title IX Coordinator received the following reports made by or about DePaul students:

- 60 reports of sexual violence
- <u>22</u> reports of domestic violence
- <u>10</u> reports of dating violence
- <u>13</u> reports of stalking

These reports either were made directly to the Title IX Coordinator or were made to the Title IX Coordinator through a responsible employee. The data in this section does not intentionally include reports made to confidential reporting resources (see below). The data in this section only includes reports made by DePaul students (i.e., reports in which a DePaul student is the complaining individual) or about DePaul students (i.e., reports in which a DePaul students is the referred individual).

### B. Confidential and anonymous reports

110 ILCS 205/9.21(b)(5)

In 2017, confidential reporting resources reported aggregate information about confidential or anonymous reports to the Title IX Coordinator as follows:

- <u>214</u> confidential or anonymous reports of sexual violence
- 19 confidential or anonymous reports of dating violence
- 4 confidential or anonymous reports of domestic violence
- 5 confidential or anonymous reports of stalking

DePaul collects aggregate information about confidential and anonymous reports from designated confidential reporting resources on a monthly basis. Separately, confidential reporting resources with a professional privilege report information to the extent possible consistent with that privilege. This includes, in some cases, intake data. Because these reports were collected through various confidential reporting resources, DePaul does not have information regarding the status of individuals involved (student, employee, not a member of the DePaul community), when the incident occurred, or where the incident occurred. Moreover, given the nature of confidential and anonymous reporting, DePaul cannot be certain whether any of these reports are also included in the reports otherwise received by the Title IX Coordinator, and therefore are counted more than once for purposes of the data in this Annual Report.

## C. Requests not to proceed

110 ILCS 205/9.21(6)

In 2017, individuals involved in matters reported to the Title IX Coordinator by or about DePaul students requested not to proceed with a Student Conduct Process or other complaint resolution procedure as follows:

- <u>1</u> individual requested not to move forward with a complaint resolution procedure in a matter involving sexual violence
- <u>1</u> individual requested not to move forward with a complaint resolution procedure in a matter involving domestic violence
- <u>0</u> individuals requested not to move forward with a complaint resolution procedure in a matter involving dating violence or stalking

The data in this section only includes situations in which an individual affirmatively requested not to proceed with a complaint resolution procedure and did not change that request. The data in this section does not include situations in which an individual did not respond to outreach from the Title IX Coordinator. In some instances, the University may decide that it must proceed with further investigation or a complaint resolution procedure even though an individual requests not to proceed. As such, the data in this section should not be interpreted to mean that a matter did or did not proceed with an investigation or complaint resolution procedure despite the request made by an individual.

Furthermore, individuals may request not to proceed with a complaint resolution procedure at any point in the process (e.g., before an investigation, after an investigation, etc.). As such, the data in this section should also not be interpreted to necessarily mean that a matter was not investigated prior to a request not to proceed, or that a complaint resolution procedure was not considered prior to a request not to proceed.

# **D.** Investigations

110 ILCS 205/9.21(b)(7)

DePaul investigates all matters reported to the Title IX Coordinator to the extent possible, taking into account a variety of considerations. These include, for example:

- Lack of response from a complainant to outreach;
- An affirmative request not to proceed with an investigation; and
- Reports about individuals who are not members of the DePaul community (regarding current or historical conduct).

Subject to these considerations, in 2017, DePaul investigated matters reported to the Title IX Coordinator by DePaul students or about DePaul students as follows:

- 9 investigations involving sexual violence
- **0** investigations involving dating violence
- 2 investigations involving domestic violence
- <u>3</u> investigations involving stalking

A more detailed explanation as to why a report made by or about a DePaul student is not included in this data is detailed below.

### E. Referrals to law enforcement

110 ILCS 205/9.21(b)(8)

In 2017, DePaul is aware of the following reports made by or about DePaul students that resulted in a report also being made to local or State law enforcement:

• <u>1</u> report involving sexual violence

- $\underline{\mathbf{0}}$  reports involving domestic violence or dating violence
- <u>1</u> report involving stalking

In many instances, DePaul may not be aware as to whether an individual makes, or previously has made, a report to local or State law enforcement. The data in this section does not include referrals for orders of protection. The data in this section does not include referrals that may be made with the assistance of confidential reporting resources.

### F. Student Conduct Process matters

110 ILCS 205/9.21(b)(9)

In 2017, DePaul reviewed potential policy violations for matters related to sexual violence, domestic violence, dating violence, and stalking through the Student Conduct Process as follows:

- 5 Student Conduct Process matters involving sexual violence
- 1 Student Conduct Process matter involving domestic violence
- $\underline{1}$  Student Conduct Process matter involving dating violence
- 2 Student Conduct Process matters involving stalking

An explanation as to why a report made by or about a DePaul student, or an investigation conducted regarding a report made by or about a DePaul student, would not be reviewed through the Student Conduct Process is detailed below.

### G. Sanctions

110 ILCS 205/9.21(b)(10)

In 2017, students received sanctions through DePaul's Student Conduct Process for matters related to sexual violence, domestic violence, dating violence, and stalking as follows:

- 2 students were suspended through the Student Conduct Process for matters involving sexual violence
- 1 student was dismissed through the Student Conduct Process for a matter involving stalking
- <u>1</u> student received other discipline through the Student Conduct Process for a matter involving domestic violence

The remaining 5 students who participated in the Student Conduct Process for matters involving sexual violence, domestic violence, dating violence, or stalking (3 students in matters involving sexual violence, 1 student involved in stalking and 1 student involved in dating violence) were found "not in violation." This means that based on the information available at the time, it was determined through a hearing that it was more likely than not that the student was not in violation of the policy at issue.

### H. Additional information

As noted above, some reports of sexual violence, domestic violence, dating violence, and stalking made by or about DePaul students to the Title IX Coordinator did not proceed to investigation or were not reviewed through the Student Conduct Process.

As noted above, some of these incidents did not proceed because an individual affirmatively requested not to proceed with an investigation or, after an investigation, affirmatively requested not to proceed with a Student Conduct Process, and there were no other circumstances requiring such further action.

Additionally, as also noted above, timing may also impact the data in this report (i.e.—an incident was reported in 2016 but investigated or reviewed through the Student Conduct Process in 2017 or reported in 2017 but investigated or reviewed through the Student Conduct Process in 2018).

However, as mentioned above, there are also numerous other reasons as to why reports were not fully investigated or did not proceed through the Student Conduct Process. These include, for example:

- An individual did not respond to initial or follow-up outreach from the Title IX Coordinator, so no further information was available.
- An individual was reporting an incident that was not about a DePaul student and thus, whether or not there was an investigation, the incident was not appropriate for review through the Student Conduct Process. This could include reports about DePaul employees (including in most instance students acting in their capacity as student employees), which would be reviewed through other complaint resolution procedures at DePaul, as well as reports about individuals who are not members of the DePaul community. These reports could involve current conduct or conduct that occurred at any time in the past.
- After investigation, there was insufficient information to indicate that the facts presented would indicate a violation of a DePaul policy.

In all instances, however, if requested, DePaul worked with students to provide various appropriate interim measures, permanent remedies, and other assistance. These included, for example:

- Access to medical or counseling services;
- Imposition of an institutional no-contact directive and related assistance to support that directive;
- Access to legal resources, including assistance in obtaining a civil protection order;
- Access to emergency funds and supplies (such as food);
- Rescheduling exams or assignments;
- Changes in class schedule;
- Changes in a student's on-campus residence;
- Withdrawal assistance and assisting with voluntary leaves of absence;
- Providing an escort between classes, work or other activities;
- Coordination with reporting at other institutions; and
- An interim suspension or other restriction pending the outcome of a conduct proceeding.

# EXHIBIT A

DePaul University Policies & Procedures Manual

### Back

Title Sexual & Relationship Violence Prevention and Response		<b>Category</b> Presidential
Responsible Department Student Affairs	Responsible Officer Vice President for Student Affairs	Effective Date 9/13/2018

### I. General Scope

This policy affects the following groups of the University:

· Entire University Community

### II. Scope Detail

This policy affects all members of the DePaul community as well as those who interact with the DePaul community and its members. This could include students, employees, vendors, and guests.

This policy prohibits sexual and relationship violence, as defined below, by or against all members of the DePaul community.

### III. Policy Summary

- I. General Scope
- II. Scope Detail
- III. Policy Summary
- IV. Policy History
- V. Policy Approvals
- VI. Policy
  - A. Related Policies
  - B. Information Regarding Title IX
  - C. Prohibited Conduct
  - D. Consent
  - E. Reporting
  - F. Sexual and Relationship Violence Information Sheet
  - G. Retaliation
  - H. Prevention and Education Programs
  - I. Additional Resources and Support
- VII. Procedures
- VIII. Divisional Collaborations
- IX. Contact Information
- X. Appendices

DePaul University is committed to providing an environment that is free from all forms of discrimination and harassment, including sexual and relationship violence. Every member of the DePaul university community has the right to safety from the threat of sexual and relationship violence. Grounded in our commitment to valuing the dignity of all people, DePaul fosters a culture of respect and safety by implementing best practices in education, prevention, and holistic support and care. DePaul does not tolerate sexual and relationship violence and addresses incidents swiftly and equitably.

This policy details the ways in which DePaul promptly and effectively responds to reports of sexual and relationship violence. The policy also outlines DePaul's commitment to prevention programming and training regarding sexual and relationship violence.

Concise information for individuals seeking to report sexual and relationship violence can be found in the Sexual and Relationship Violence Information Sheet.

### **IV. Policy History**

### September 19, 2018:

This policy underwent minor revisions to update links and contact information.

### August 23, 2017:

This policy underwent minor revisions to update links, contact information, and to clarify the role of Survivor Support Advocates and the OIDE at various places within the policy and related procedures.

### August 23, 2017:

This policy underwent minor revisions to update links, contact information, and to clarify the role of Survivor Support Advocates and the Office of Institutional Diversity and Equity at various places within the policy and related procedures.

### August 23, 2017:

This policy underwent minor revisions to update links, contact information, and to clarify the role of Survivor Support Advocates and the OIDE at various places within the policy and related procedures.

### May 04, 2016:

This policy was recently revised to enable members in the DePaul community to more easily navigate DePaul?s policy, clarify its processes, encourage reporting, and provide more comprehensive information regarding available resources.

### September 11, 2015:

This policy was changed to update information regarding DePaul University's Title IX coordinator.

### June 16, 2015:

his policy was revised to update the section "Definition of Sexual & Relationship Violence."

### March 31, 2015:

his policy was revised to clarify "responsible employee" reporting requirements under Title IX.

### July 01, 2014:

reated from existing policy in the Code of Student Responsibility and significantly revised and expanded.

09/13/2018
06/18/2018
06/15/2018
02/21/2018
08/23/2017
05/04/2016
05/04/2016
04/21/2016
09/11/2015
06/16/2015
03/31/2015
06/27/2014
06/04/2014
04/09/2014

### VI. Policy

Every member of the DePaul University community has the right to safety from the threat of sexual and relationship violence. Grounded in our commitment to valuing the dignity of all people, DePaul fosters a culture of respect and safety by implementing best practices in education, prevention, and holistic support and care. DePaul does not tolerate sexual and relationship violence and addresses incidents swiftly and equitably.

### A. Related Policies

This policy intersects with a number of other DePaul policies. These include:

- · Anti-Discrimination and Anti-Harassment
- Blue Demon Duty
- Code of Student Responsibility
- Crime Reporting and Clery Act Compliance
- FERPA Compliance
- Faculty Handbook
- Non-Retaliation
- Progressive Discipline
- · Protection of Minor Children
- Reporting Misconduct

### **B. Information Regarding Title IX**

# 1. Notice of Non-Discrimination

Title IX of the Education Amendment of 1972 (commonly known as "Title IX") is a federal law that prohibits sex discrimination on the basis of sex in federally funded education programs and activities. Sex discrimination includes sexual harassment, and sexual and relationship violence.

DePaul does not discriminate on the basis of sex in its educational, extra- and co-curricular, athletic, or other programs or activity, including admissions, or in the context of employment.

DePaul provides institutional processes, remedies and outcomes. Conduct that violates this policy may also constitute criminal conduct under local, state or federal laws. Individuals always have the option to report prohibited conduct to the appropriate law enforcement agencies, or to choose not to make such a report. Reporting to a law enforcement agency will require speaking with law enforcement personnel to

describe the circumstances of an alleged crime. As detailed in the Crime Reporting and Clery Act Compliance policy, DePaul will assist an individual with reporting to local law enforcement if requested to do so

Inquiries or complaints concerning the application of this policy or Title IX generally at DePaul should be referred to the Title IX Coordinator, whose contact information is below. Individuals also have the right to contact the United States Department of Education's Office for Civil Rights.

### 2. Title IX Coordinator

The Title IX Coordinator can be contacted by telephone, email, or in person during regular business hours (9 a.m. to 5 p.m., Monday - Friday). Contact information for DePaul's Title IX Coordinator is:

Jessica Landis 312-362-8970 titleixcoordinator@depaul.edu

The Title IX Coordinator oversees the university's centralized review, investigation, and resolution of reports of sex discrimination and sexual harassment, including sexual and relationship violence. The Title IX Coordinator also coordinates the university's compliance with Title IX. Among other things, the Title IX Coordinator is:

- a. Responsible for oversight of the investigation of all reports of sex discrimination and sexual harassment, including sexual and relationship violence.
- b. Knowledgeable and trained in relevant state and federal laws and university policy and procedure.
- c. Available to advise any individual, including a complaining or referred party, about the courses of actions available at the university.
- d. Available to provide information regarding resources.
- e. Available to provide assistance to any university member regarding how to respond appropriately to reports of sex discrimination and sexual harassment, including sexual and relationship violence.
- f. Responsible for monitoring full compliance with all requirements and timelines specified in the relevant policies.
- g. Responsible for coordinating the compilation of annual reports. The Title IX Coordinator will prepare a report each year regarding DePaul's experience with preventing and responding to sexual and relationship violence. The Title IX Coordinator will consult with other areas as needed in order to prepare this report. At a minimum, the annual report will include (i) a copy of this policy; (ii) a copy of the Sexual and Relationship Violence Information Sheet; (iii) information about prevention and; (iv) information about reports received (including confidential reports), allegations investigated, referrals to local law enforcement, and policy violations. The Title IX Coordinator is responsible for submitting this report to governmental entities as required by law.

### 3. Deputy Title IX Coordinators

The Title IX Coordinator is supported by Deputy Title IX Coordinators. Deputy Title IX Coordinators are available to offer assistance with respect to prevention and response. Deputy Title IX Coordinators are appropriately trained regarding sexual and relationship violence. Contact information for the Deputy Title IX Coordinators is:

Deputy Title IX Coordinator for Students Dean of Students (Ellen Herion Fingado) 773-325-7290 deanofstudents@depaul.edu

eherion@depaul.edu

Deputy Title IX Coordinator for Staff Assistant Director, Employee Relations (Gianna Bellavia-Johnson) 312-362-8506 gbellavi@depaul.edu

Deputy Title IX Coordinator for Faculty
Associate Provost for Student Success and Accreditation, Academic Affairs (Caryn Chaden)
312-362-8885
cchaden@depaul.edu

Deputy Title IX Coordinator for Athletics Senior Associate Athletic Director, Athletics (Jill Hollembeak) 773-325-4034 jhollemb@depaul.edu

Deputy Title IX Coordinator for Enrollment Management Compliance Director, Financial Aid (Agnes Roche) 312-362-5024 aroche2@depaul.edu

Deputy Title IX Coordinator for Compliance Director, Compliance (Emily Opalski) 312-362-5310 eopalski@depaul.edu

# 4. Sexual Violence Prevention and Response Working Group

DePaul has established a Sexual Violence Prevention and Response Working Group. The purpose of the Working Group is to encourage collaboration and information-sharing across the university regarding DePaul's policies, procedures, programming, training, and messaging. The Working Group will continually

review best practices in prevention, awareness, education and response and will contribute to the implementation of such best practices at DePaul.

The Working Group is chaired by the Title IX Coordinator. The Working Group supports the work of the Title IX Coordinator. The Working Group consists of representatives from Faculty Council, Staff Council and Student Government Association, as well as representatives of numerous departments and offices that have a role in addressing prevention and response to sexual and relationship violence.

The Working Group meets at least two times each academic year.

Training regarding sexual and relationship violence is made available to members of the Working Group.

### C. Prohibited Conduct

DePaul University strictly prohibits sexual and relationship violence and threats of sexual and relationship violence. Sexual and relationship violence means the specific behaviors detailed below.

Sexual and relationship violence can occur in many different ways, including through physical force, intimidation, manipulation, and coercion. This may include the voluntary or involuntary use of drugs and/or alcohol that renders an individual unable to give consent. Sexual and relationship violence can occur within personal relationships, including those that are intimate, professional, familial, or friendly. In fact, sexual violence involving strangers constitutes only a small percentage of cases. Individuals of any sex, sexual orientation, or gender identity may experience sexual or relationship violence.

An individual who is uncertain about whether their experience meets one of the definitions below is encouraged to consult with the Title IX Coordinator or another reporting resource. In all instances, DePaul encourages reporting of unwelcome conduct whether or not it appears to meet one of the definitions stated below. With this report, DePaul can assist the individual in identifying resources and available courses of action based on the conduct at issue.

Sex Offense (including Sexual Assault). Sex Offense means any sexual act directed against another person without consent, including instances where the individual is incapable of giving consent as defined below

Sexual Offenses include, but are not limited to, rape, forcible sodomy, sexual assault with an object, fondling or kissing without consent, incest, statutory rape, the threat of sexual assault, sexual abuse, or any unwanted physical contact of a sexual nature, that occurs without consent by all the individuals involved. Many sex offenses are also sometimes collectively referred to as sexual assault.

**Sexual Misconduct.** Sexual Misconduct means taking sexual advantage of another person for the benefit of oneself or a third party when consent is not present. This includes, but is not limited to,

- sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person;
- · indecent or lewd exposure;
- recording any person engaged in sexual or intimate activity in a private space;
- · distributing sexual or intimate information, images or recordings about another person; or
- inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

**Domestic Violence.** Domestic Violence means violence committed by a family or household member. A family or household member includes parents, children, current or former spouses, a person with whom the reporting/affected individual shares a child in common, a person who is cohabitating with or has cohabitated with the reporting/affected individual, and others as defined by Illinois law. Domestic violence can be a single event or a pattern of behavior.

**Dating Violence.** Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting/affected individual (i.e., a relationship which is characterized by the expectation of affection or sexual involvement between the parties); and where the existence of such a relationship shall be determined based on a consideration of factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence can be a single event or a pattern of behavior.

Domestic and dating violence can encompass a broad range of behavior, including but not limited to:

- · Physical violence or assault;
- Sexual violence;
- Emotional violence;
- Economic abuse;
- Threats;
- · Property damage; and
- Violence or threat of violence to one's self, one's sexual or romantic partner, and/or to the family members or friends of the sexual or romantic partner.

**Stalking.** Stalking means a course of conduct (i.e. two or more acts) directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or to suffer substantial emotional distress.

Individuals who would like to obtain more information about how these terms are defined under Illinois law and about laws related to sexual and relationship violence in the State of Illinois can find that information in the Illinois Definitions of Sexual Assault, Stalking, Domestic Violence, and Dating Violence Chart (Appendix A).

### D. Consent

At DePaul, consent is defined as unambiguous and freely given agreement to move forward with a specific sexual request, act, or experience. Consent cannot be obtained from individuals who are unable to understand the nature of the activity or give consent due to being asleep, unconscious, underage, or due

to having a temporary or permanent mental or physical incapacity, including as a result of drug or alcohol use. Consent is an affirmative act, not a lack of action. Lack of verbal or physical resistance or submission as the result of force, coercion, duress, or threat thereof does not constitute consent. The absence of "no" or "stop" should never be interpreted as implicit consent, if consent is otherwise unclear. An individual's manner of dress does not constitute consent. Consent to past sexual activity or a past sexual relationship does not constitute consent. Consent to engage in sexual activity with one individual does not constitute consent to engage in sexual activity with another individual. Resistance is not required to demonstrate lack of consent. Consent can be withdrawn at any time.

### E. Reporting

Individuals who have experienced sexual and relationship violence - whether on-campus or off-campus and whether by a member of the DePaul community or not - are strongly encouraged to report the incident. A report serves as a means of documenting the incident and allows for immediate response by the university. DePaul is committed to offering a secure and supportive environment for individuals who report incidents of sexual and relationship violence to receive resources and consider all available options.

An individual's options for reporting, including for making confidential reports, are detailed below. Reports from third-parties who have not themselves been involved in an instance of sexual and relationship violence are accepted. Reports from third-parties who are not affiliated with DePaul are accepted. More information about the ways in which DePaul address issues of privacy issues and confidentiality requests with respect to reports made to individuals other than confidential reporting resources is detailed further below. In most circumstances, and except as otherwise detailed below, a report to a confidential reporting resource will not be reported to Public Safety or the Title IX Coordinator and will not begin any further response to the report from DePaul.

### 1. On-Campus Resources for Emergency Reporting

### Public Safety

Lincoln Park: 773-325-7777 Loop: 312-362-8400

Public Safety is available 24 hours a day, seven days a week and should be used for emergency response, crime reporting, and crime victim assistance.

### 2. Local Law Enforcement

Loop and Lincoln Park Campuses:

### Chicago Police Department

911-Emergencies 311-Non-emergencies

Rosalind Franklin Campus:

### North Chicago Police Department

911- Emergencies 847-596-8774 for Non-emergencies

### 3. On-Campus Resources for Non-Emergency Reports

Title IX Coordinator
Jessica Landis
Loop: 312-362-8970
titleixcoordinator@depaul.edu

The Title IX Coordinator is available during regular business hours (9 a.m. to 5 p.m., Monday - Friday).

The Title IX Coordinator is supported by a network of Deputy Title IX Coordinators to whom reports may also be made.

Individuals wishing to report non-emergency information electronically, and who would like an immediate response may report here:

Non-Emergency Immediate Response Reporting: https://cm.maxient.com/reportingform.php?DePaulUniv

### 4. On-Campus Confidential Reporting Resources

### Office of Health Promotion and Wellness

Survivor Support Advocates (Confidential Advisors) 773-325-7129

hpw@depaul.edu

Survivor Support Advocates provide support to individuals. This includes students and employees, and includes complainants, potential referred individuals, and others. This support may include informing individuals of their options and available resources and, if requested by the individual, assisting the individual with navigating DePaul or external processes.

Survivor Support Advocates are available for confidential reporting to the extent permissible by law. When providing support to student complainants, Survivor Support Advocates are also acting in the role of a "confidential advisor" pursuant to the Illinois Preventing Sexual Violence in Higher Education Act. In these instances, information reported to Survivor Support Advocates will remain confidential unless (a) the individual consents to the disclosure of the communication in writing; (b) failure to disclose the communication would violate state or federal law; or (c) failure to disclose would result in a clear, imminent risk of serious physical injury to or death of the individual or another person.

On a monthly basis, Survivor Support Advocates will report the number and type of incidents reported exclusively to them to the Title IX Coordinator. In making these reports, care will be taken to avoid

reporting personally identifiable information.

All Survivor Support Advocates receive at least 40 hours of training on sexual violence and participate in at least six hours of additional training annually. Survivor Support Advocates also participate in periodic training on University processes related to sexual and relationship violence.

### **University Counseling Services**

Lincoln Park: 773-325-7779 Loop: 312-362-6923

Professional counselors and psychiatrists are available to students for confidential reporting as defined by the counselor or psychiatrist's professional confidentiality obligations.

### **Division of Mission and Ministry**

773-325-7902

Ordained individuals or otherwise recognized religious leaders engaging in pastoral care are available for confidential reporting as defined by the religious leader's professional confidentiality obligations.

### **University Ombudsperson**

312-362-8707

The University Ombudsperson is available to employees for confidential reporting to the extent permissible by law.

### Misconduct Reporting Hotline

877-236-8390

www.depaul.ethicspoint.com

The misconduct reporting hotline is available for anonymous, electronic reporting. Please see the Reporting Misconduct policy for more information

As further detailed below, all confidential reporting resources will provide the reporting individual with a Sexual and Relationship Violence Information Sheet.

### 5. Employee Reporting Responsibilities

Unless otherwise designated as a confidential reporting resource above, all DePaul faculty, staff, and student employees are required to promptly report to the Title IX Coordinator all incidents of sex discrimination and sexual harassment, including sexual and relationship violence that are reported to them.

The information that must be disclosed to the Title IX Coordinator includes:

- the name of the person who reported the information to the employee;
- · the name of the alleged affected individual, if different than the individual reporting;
- · the name of the alleged perpetrator (if known),
- the names of others involved; and
- any relevant facts that have been provided, such as date, time, and location.

The employee will also provide the reporting individual with a Sexual and Relationship Violence Information Sheet.

Employees should also:

- Familiarize themselves with these confidential reporting resources.
- Inform the individual disclosing an issue related to sexual or relationship violence of their obligation to report any information shared to the Title IX Coordinator.
- Connect the individual with a confidential resource if the individual wishes to speak to someone
  confidentially.

Employees may also have other reporting obligations pursuant to other DePaul policies including:

- Crime Reporting and Clery Act Compliance
- Anti-Discrimination and Anti-Harassment
- · Reporting Misconduct
- · Protection of Minor Children

More information about reporting responsibilities regarding sexual and relationship violence for all DePaul employees and confidential reporting options can be found here.

### F. Sexual and Relationship Violence Information Sheet

At the time an individual makes a report of sexual or relationship violence-whether to Public Safety, the Title IX Coordinator, a confidential reporting resource or any other DePaul employee-the individual will be provided with the following information, in writing:

- 1. A summary of the information in this policy.
- Information about options for-and, if necessary, how DePaul will provide assistance with-further confidential reporting, reporting to the Title IX Coordinator, reporting to Public Safety, and reporting to local law enforcement (e.g. the Chicago Police Department), if the individual chooses to do so.
- Information about the possibility of moving forward with internal discipline, including a summary of how the various applicable policies and procedures would apply in different situations.
- 4. Information about the possible sanctions or remedies that could result from internal discipline.
- 5. Information about the importance of preserving evidence for example, avoiding showering, bathing, changing clothes, washing hands, going to the toilet, or brushing teeth; saving clothing in individual paper bags; and not disturbing anything in the area where the incident occurred. Preservation of evidence such as text messages and social media posts is also

- important. Preserving evidence is important because it may assist in making a determination or may be helpful regarding obtaining orders of protection.
- 6. Information about rights of reporting individuals and institutional responsibilities regarding institutional "no contact directives" as well as orders of protection (sometimes called "restraining orders"), no contact orders, or similar lawful orders issued by criminal, civil, or tribal courts; and how the university will assist with enforcing any such order as appropriate.
- 7. Information about options for-and, if necessary, how DePaul will provide assistance with navigating-getting medical treatment, including the availability of medical forensic examinations at no charge, and other on-campus and community resources, including counseling, health services, mental health services, advocacy, financial aid, visa and immigration, law enforcement and legal assistance. This information is also included in the Resource Appendix (Appendix B) to this policy.
- 8. Information about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if reasonably available, on an interim or permanent basis, regardless of whether the individual chooses to further report the incident, or otherwise pursue internal discipline.

For reports received electronically here, this information will be provided within 12 hours.

### G. Retaliation

DePaul prohibits retaliation and the threat of retaliation against any person, including complainants, respondents and witnesses, exercising their rights and/or responsibilities in good faith pursuant to this policy, or otherwise participating in any process related to a potential violation of this policy. Claims of retaliation will be investigated and, if substantiated, may constitute a separate policy violation subject to additional discipline or sanctions. More information about DePaul's prohibition against retaliation in the context of discrimination and harassment can be found in the Anti-Discrimination and Anti-Harassment Policy and Procedures. More information about DePaul's prohibition against retaliation generally can be found in the Non-Retaliation policy.

DePaul University takes good faith complaints of sexual and relationship violence seriously. Individuals who knowingly make false allegations under this policy may be subject to disciplinary action.

### H. Prevention and Education Programs

DePaul University provides a variety of educational programming, including prevention and awareness programming, regarding this policy and sexual and relationship violence generally. At a minimum, this programming includes (a) primary prevention programming for all incoming students and new employees, (b) an annual email to the campus community, (c) annual training for all employees, and (d) ongoing awareness campaigns for students and employees.

Together, these primary programs and ongoing awareness campaigns, at a minimum, include the following elements:

- Information about the definitions of the various aspects of sexual and relationship violence, including consent, under this policy and Illinois law;
- Information about the requirements of this policy, including DePaul's prohibition on sexual and relationship violence and prohibition of retaliation, and DePaul's obligation to provide a coordinated, prompt, and equitable response to reports of sexual and relationship violence;
- 3. Information about reporting options, including confidential reporting resources;
- 4. Information about the effects of trauma;
- 5. Information about safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual or relationship violence against another person such as recruiting the help of friends to diffuse a situation; or causing a distraction.
- Information about risk reduction to recognize warning signs of abusive behavior and how to avoid potential risks such as staying together at parties, checking in, getting your friend to a safe place if they seem too drunk or are acting abnormally

Programming could occur at employee orientations, at student orientations, as part of General Compliance Training, through electronic communications, and through various other formal and informal avenues. Programming will be coordinated by the Title IX Coordinator in collaboration with other departments and offices as appropriate (e.g., the Office of Health Promotion and Wellness, Compliance & Risk Management, Human Resources, etc.)

### I. Additional Resources and Support

Below is an expanded list of reporting resources and other on-campus and community resources. A summary list of reporting resources and on-campus supports is above.

### On-Campus Resources

### **Emergency Reporting**

Public Safety

Lincoln Park: 773-325-7777 Loop: 312-362-8400

Public Safety is available 24 hours a day, seven days a week and should be used for emergency response, crime reporting, and crime victim assistance.

### Non-Emergency Reports

Title IX Coordinator (Jessica Landis) 312-362-8970 titleixcoordinator@depaul.edu The Title IX Coordinator is available during regular business hours (9 a.m. to 5 p.m.) and should be used for non-emergency reporting. The Title IX Coordinator is supported by six Deputy Title IX Coordinators.

Individuals wishing to report non-emergency information electronically, and who would like an immediate response may report here:

Non-Emergency Immediate Response Reporting:

offices.depaul.edu/diversity/about/forms/Pages/allegation-form.aspx

### **Confidential Reporting Resources**

### Office of Health Promotion and Wellness

Survivor Support Advocates (Confidential Advisors) 773-325-7129 hpw@depaul.edu

Survivor Support Advocates are available to provide support to individuals, including those who may be accused of sexual and relationship violence. This support may include informing individuals of their options and available resources and, if requested by the individual, assisting the individual with navigating DePaul or external processes.

### **University Counseling Services**

Lincoln Park: 773-325-7779 Loop: 312-362-6923

Professional counselors and psychiatrists are available to students for confidential reporting as defined by the counselor or psychiatrist's professional confidentiality obligations.

### **Division of Mission and Ministry**

773-325-7902

Ordained individuals or otherwise recognized religious leaders engaging in pastoral care are available for confidential reporting as defined by the religious leader's professional confidentiality obligations.

### **University Ombudsperson**

312-362-8707

The University Ombudsperson is available to employees for confidential reporting to the extent permissible by law.

### **Misconduct Reporting Hotline**

877-236-8390

www.depaul.ethicspoint.com

The misconduct reporting hotline is available for anonymous, electronic reporting. Please see the Reporting Misconduct policy for more information.

### Other On-Campus Resources

Visa and Immigration Information
Office of International Students and Scholar Services
1 E. Jackson Blvd.
DePaul Center, Ste. 9300
312-362-8376
Email: iss@depaul.edu

Financial Aid Information 312-362-8610 finaid1@depaul.edu Chat live 9 am - 5 pm

### Employee Assistance Program

ComPsych Guidance Resources 1-800-621-4124 FREE

Employees may contact DePaul's employee assistance program at any time to speak with a counselor for referrals. Find more information about the DePaul employee assistance program online on their website.

### Off-Campus and Community Resources

### **Local Law Enforcement**

Loop and Lincoln Park Campuses:

### Chicago Police Department

911-Emergencies 311-Non-emergencies

Rosalind Franklin Campus:

## North Chicago Police Department

911- Emergencies

847-596-8774 for Non-emergencies

### Sexual Assault Community-Based Resources

### Chicago Rape Crisis Hotline

888-293-2080 FREE

Operating 24 hours a day, 7 days a week.

### Rape Victim Advocates - Loop (RVA)

180 N. Michigan Ave. Suite 600 Chicago, IL 60601 312-443-9603

www.rapevictimadvocates.org

RVA partners with local hospitals and organizations across Chicago to provide services 24/7 for sexual assault survivors and their significant others. These services include crisis intervention, medical and legal advocacy, and counseling services.

www.rapevictimadvocates.org

YWCA Metropolitan Chicago 1 N. LaSalle Street Suite 1150 Chicago IL 60602 312-733-2102 ext 2146 (Chicago) 630-790-6600 (West Suburbs) 708-754-0486 (South Suburbs)

### http://www.ywcachicago.org

YWCA offers a Sexual Violence and Support Services program that specializes in counseling for ages three and older, as well as medical and legal advocacy. Services are available at multiple locations across Chicago for survivors of sexual violence and their non-offending significant others.

### Zacharias Sexual Abuse Center (Zcenter) - Lake County

4275 Old Grand Ave. Gurnee, IL 60031 and 4232 Dempster St. Skokie, IL 60076 847-244-1187 (office)

24 Hour Helpline: 847-872-7799

http://zcenter.org/

The Zcenter provides individual and group counseling, medical advocacy, court advocacy, and a 24/7 support line for survivors of sexual assault and their significant others in Lake County, Illinois. Their Skokie location provides counseling services only

### **Domestic/Relationship Violence Community-Based Resources**

### Chicago Domestic Violence Helpline

877-863-6338 FREE 877-863-6339 FREE (TTY)

### National Domestic Violence Hotline

800-799-7233 FREE 800-787-3224 FREE (TTY)

Domestic Violence Hotline: 708-485-5254

https://pillarscommunity.org/

Pillars offers a shelter, legal advocacy, and counseling for survivors, including disabled adults and children. Their shelter, Constance Morris House, offers onsite exams for injuries sustained during domestic violence, prenatal care, and bilingual services for literate and non-literate survivors. Pillars offers services in the Chicago Metropolitan area with locations in Berwyn, Hickory Hills, Western Springs, Summit, and Hodgkins, Illinois.

Illinois Department of Human Services

Domestic Violence Helpline: 1-877-TO END DV or 877-863-6338 (Voice)

1-877-863-6339 (TTY)

Chicago Domestic Violence Information Website

Chicago Department of Family and Support Services

https://www.cityofchicago.org/content/dam/city/depts/fss/supp info/DepartmentGuide/residentguide.pdf

### **Medical Forensic Examinations**

The following is a list of locations where a medical forensic examination can be completed, often at no cost. Each hospital has a social worker, women's health advocate, and/or domestic violence liaison that can assist those who have experienced sexual or relationship violence.

For survivors of sexual assault, it is recommended that you specify the reason you are requesting an examination, as you should be provided a private room. Many hospitals have Sexual Assault Nurse Examiners (SANE) on staff. SANE nurses have completed special forensic training with sensitivity and knowledge in treating sexual assault survivors while preserving evidence related to an alleged sex crime. Many locations, as specified below, can also provide you with a medical advocate for sexual assault survivors within one hour. These sexual assault advocates are from a local agency, separate from the hospital and police

Additionally, under the Illinois Crime Victim's Compensation Act, some individuals who have experienced sexual or relationship violence may be eligible for support services and medical reimbursement if the crime is reported within seven (7) days or, in some cases, even longer. Individuals should check with their insurance providers to explore the applicability of this program.

### Lincoln Park Campus:

Illinois Masonic Hospital 836 W Wellington Ave Chicago, IL 60657 (773) 975-1600

Presence St. Joseph Hospital Emergency Services 2900 N. Lake Shore Dr. Chicago, IL 60657 (773) 665-3086

Sexual assault medical advocate available from RVA

Swedish Covenant Hospital 5145 N. California Ave Chicago, IL 60625 Women's Health Advocate, Kate Lawler 773-878-8200 ext 6772 or klawler@swedishcovenant.org

Thorek Memorial Hospital 850 W. Irving Park Rd. Chicago, IL 60613 773-975-6770

Sexual assault medical advocate available from RVA

### **Loop Campus**:

Northwestern Memorial Hospital 250 E. Erie St. Chicago IL 60611 312-926-2000 Sexual assault medical advocate available from RVA

John H. Stroger, Jr. Hospital 1901 W. Ogden Ave. Chicago, IL 60612 Adult Emergency Department 312-864-1300 Trauma Emergency Department 312-864-1000

Sexual assault medical advocate available from RVA with hospital satellite office at

1901 W. Harrison, Ste. 419 Chicago, IL 60612

### **Rosalind Franklin Campus:**

Advocate Condell Medical Center 801 S. Milwaukee Ave. Libertyville, IL 60048 847-990-5300 SANE nurse available 24/7 Sexual assault medical advocate available from Zcenter

Vista Medical Center East 1324 N. Sheridan Rd. Waukegan, IL 60085 847-360-3000

SANE nurse available and sexual assault medical advocate available from Zcenter

Vista Medical Center West 2615 Washington St. Waukegan, IL 60085 847-249-3900

SANE nurse available and sexual assault medical advocate available from Zcenter

Vista Lindenhurst Campus 1050 Red Oak Ln. Lindenhurst, IL 60046 847-356-4700

SANE nurse available and sexual assault medical advocate available from Zcenter

### VII. Procedures

DePaul will respond to all reports of sexual and relationship violence in a prompt, fair, and impartial manner. Every report is based on its own facts and circumstances, which can impact the course of response.

The Title IX Coordinator is primarily charged with coordinating responses to sexual and relationship violence. As further detailed below, Title IX Coordinator will work with other offices to implement responses as appropriate. These responses could include initial assessment; working with law enforcement, if an individual chooses to report to such law enforcement; providing support and resources; investigation; providing interim measures and permanent remedies; and, if applicable, determining policy violations and potential disciplinary response.

### A. Initial Assessment

DePaul will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. Appropriate steps may include implementing reasonably available

interim measures to provide for the safety of the individual and the campus community.

### B. Options for Response; Confidentiality Requests; Privacy

Some individuals may wish to make a report in order to seek support resources. In all situations, individuals will be offered support, resources and, to the extent reasonable and appropriate, interim measures and permanent remedies.

Some individuals may wish to make a report in order to pursue a disciplinary response.

DePaul will consider a variety of factors when determining an appropriate response to a report. This could include, for example, the impact of conduct on the DePaul community and its members and, to the extent possible, the preferences of the reporting individual, including requests for confidentiality. For example, Public Safety allows for Jane and/or John Doe reports, which enables an individual to remain anonymous on any Public Safety reports and in other publicly available reporting. However, confidentiality cannot be guaranteed in all circumstances. For example, DePaul has an obligation to provide a safe and nondiscriminatory environment for all members of its community and might have to share information about a report to protect the campus community. Likewise, if an individual chooses to pursue a disciplinary response, DePaul has an obligation to afford the responding individual certain procedural protections including notice and an opportunity to respond.

Where DePaul determines that the action taken is inconsistent with a request, DePaul will inform the affected individual about the chosen course of action.

DePaul is committed to protecting the privacy of all individuals involved in a report of sexual or relationship violence. In responding to any report, including implementing interim measures or permanent remedies, investigation, or disciplinary response, DePaul will take steps to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegation and to the extent required or permitted by law.

### C. Interim Measures and Permanent Remedies

Regardless of whether a situation involving sexual or relationship violence may result in a policy violation or disciplinary response, and regardless of whether an individual chooses to otherwise report an incident, the Title IX Coordinator will coordinate providing any reasonable and appropriate interim measures and permanent remedies that are requested. Interim measures may be taken prior to the outcome of any investigation.

Interim measures and permanent remedies may include changing academic, living, transportation, and working situations, if requested and if reasonably available, on an interim or permanent basis. Specific examples could include:

- · Access to medical or counseling services;
- Imposition of an institutional no-contact directive and related assistance to support that directive;
- Assistance in obtaining a civil protection order;
- Rescheduling exams or assignments;
- A change in class schedule;
- · A change in work schedule or job assignment;
- A change in a student's on-campus residence;
- A change of office or work space;
- · A voluntary leave of absence;
- · Providing an escort between classes, work or other activities; or
- An interim suspension or other restriction pending the outcome of a conduct proceeding.

The Title IX Coordinator will maintain the privacy of any interim measures and permanent remedies to the extent maintaining such privacy does not impair DePaul's ability to provide the interim measure or permanent remedy.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an interim measure or permanent remedy so that DePaul can consider taking responsive actions as appropriate.

### D. Determining Policy Violations and Potential Disciplinary Response

In instances where a report of sexual or relationship violence indicates that a member of the DePaul community may have violated this policy, all determinations as to policy violations and potential disciplinary response will be made through the existing applicable university policies and processes.

Because a violation of this policy will most often also be a violation of the Anti-Discrimination and Anti-Harassment Policy and Procedures, investigation and, except as otherwise detailed below, determinations as to policy violations, will be primarily managed by the Title IX Coordinator using the procedures detailed in the Anti-Discrimination and Anti-Harassment Policy and Procedures. Determinations as to sanctions and disciplinary consequences are dependent on whether the referred individual is a staff member, student employee, faculty member or student.

Report that a <u>staff member or student employee</u> may have violated this policy: A determination as to discipline will be made through the procedures outlined in the <u>Progressive Discipline</u> policy, which includes a list of potential disciplinary sanctions. For student employees, the <u>Student Conduct Process</u> may also apply, as detailed below.

Report that a <u>faculty member</u> may have violated this policy: A determination as to discipline will be made through the procedures outlined in the Faculty Handbook, including Chapter Four of the Faculty Handbook, which includes a list of potential disciplinary sanctions.

Report that a <u>student</u> may have violated this policy: A determination as to a policy violation and a determination as to sanctions will be addressed through the procedures outlined in the <u>Student Conduct Process</u>. As noted in the <u>Student Conduct Process</u>, the <u>Student Conduct Process</u> may also include a preliminary investigation by another office. As noted above, investigations of allegations of sexual or relationship violence will often by conducted by the <u>Title IX Coordinator using the procedures detailed in</u>

the Anti-Discrimination and Anti-Harassment Policy and Procedures. The range of potential sanctions for students who are found responsible for violating this policy is detailed in the Student Conduct Process. Students should also familiarize themselves with all of the Student Rights in the Student Conduct Process and other provisions of the Student Conduct Process. This includes, for example, the Amnesty/Good Samaritan policy.

To the extent that a potential policy violation of this policy would not violate the Anti-Discrimination and Anti-Harassment Policy and Procedures, the Title IX Coordinator will work with the appropriate offices, including Academic Affairs, and other offices in Student Affairs, and Human Resources, to investigate, determine policy violations, and determine sanctions or disciplinary consequences in a prompt, fair, and impartial manner through applicable policies and procedures.

To the extent not already addressed in the above policies and procedures, the process for determining whether a violation of this policy has occurred and for imposing internal discipline involving instances of sexual and relationship violence pursuant to this policy will be prompt, fair and impartial and includes the following procedural aspects:

- DePaul will take measures to complete any process resulting in a determination as to a policy violation within a reasonable amount of time from the date when a report is received. DePaul will simultaneously inform the complainant and respondent of the progress of any investigation.
- 2. All determinations as to whether an individual is or is not in violation of a policy will be based on the standard of "whether it is more likely than not," based on the information available at the time, that the individual is or is not in violation of the policy at issue.
- 3. Both the reporting individual and the referred student or employee have the opportunity to have an advisor of their choice (including legal counsel) accompany them to any meeting (including hearings) related to making a determination as to whether a policy violation has occurred, or to imposing discipline related to that policy violation. Any individual intending to have an advisor accompany them to a meeting must notify the individual managing the process no later than two business days prior to the meeting (unless a shorter timeframe is deemed feasible by the individual managing the process). The role of the advisor is to act as a support for the student or employee. The advisor does not have a speaking or otherwise active role to play in the process. The university reserves the right to require that any individual select a different advisor if the individual's choice of advisor raises fundamental fairness issues (e.g. there is a conflict of interest with the individual's selected advisor, etc.).
- 4. The reporting individual and the referred student or employee are simultaneously informed in writing of the outcomes that result from the process, including interim results.
- 5. The reporting individual and the referred student or employee are simultaneously informed in writing of the possibilities for appealing the decision, if any.
- The reporting individual and the referred student or employee are simultaneously informed in writing as to any changes in the outcomes from the process.
- The reporting individual and the referred student or employee are simultaneously informed in writing when the outcomes from the process are final.

Individuals who are charged with implementing investigative and disciplinary processes related to sexual and relationship violence receive annual training on issues related to sexual and relationship violence, and on how to conduct a process that protects safety and promotes accountability.

### Other Resources

Although the University encourages individuals to utilize the University's internal complaint process to resolve any complaints, use of this process does not prohibit the filing of a complaint with external agencies at any time. Individuals may choose to file a complaint with various external agencies including, but not limited to, the government agencies listed below.

The U.S. Equal Employment Opportunity Commission

http://www.eeoc.gov/field/chicago/

Illinois Department of Human Rights

http://www.illinois.gov/dhr/Pages/default.aspx

The U.S. Department of Education, Office for Civil Rights

http://www2.ed.gov/about/offices/list/ocr/addresses.html

### VIII. Divisional Collaborations

Academic Affairs
Facility Operations (Public Safety)
Human Resources
Office of the General Counsel
Enrollment Management & Marketing (Student Employment)
Office of Institutional Compliance

### IX. Contact Information

Title IX Coordinator Loop: 312-362-8970 titleixcoordinator@depaul.edu

### X. Appendices

Appendix A: Illinois Definitions of Sexual Assault, Stalking, Domestic Violence, and Dating Violence

Appendix B: Resource List

# EXHIBIT B

DePaul University
Policies & Procedures Manual

### Back

Title Anti-Discrimination and Anti-Harassment Policy and Procedures		Category Academic Affairs - Operational
Responsible Department Human Resources	Responsible Officer Vice President of Human Resources; Vice President for Student Affairs	<b>Effective Date</b> 10/29/2018

### I. General Scope

This policy affects the following groups of the University:

· Entire University Community

### II. Scope Detail

This policy affects all members of the DePaul community as well as those who interact with the DePaul community and its members. This could include students, employees, vendors, and quests.

### III. Policy Summary

- I. General Scope
- II. Scope Details
- III. Policy Summary
- IV. Policy History
- V. Policy
  - A. Related Policies
  - B. Prohibited Conduct
  - C. Academic Freedom
  - D. Reporting
- VI. Procedures
- VII. Divisional Collaborations
- VIII. Contact Information
- IX. Appendices

DePaul University has a long standing commitment to the diversity of its faculty, staff and student body. As a university with a strong Catholic, Vincentian and urban heritage, this commitment is particularly integral to our mission. DePaul University is committed to preserving an environment that respects the personal rights and dignity of each member of its community and providing an environment that is free from all forms of discrimination and harassment.

The Anti-Discrimination and Anti-Harassment Policy provides the overall philosophy and specific approaches for addressing discrimination, harassment, and/or related retaliation issues. It serves to augment other university-wide policies and is in accordance with federal, state, and local laws and regulations. The Anti-Discrimination and Anti-Harassment Policy combines and replaces the predecessor Sexual Harassment Policy and the Anti-Discriminatory Harassment Policy.

# IV. Policy History

# October 29, 2018:

This policy underwent minor revisions to update links and to clarify elements of the procedures section.

### August 23, 2017:

This policy underwent minor revisions to update links and to clarify elements of the procedures section.

February 06, 2017: Minor updates to Section 504 Grievance Procedure.

### May 04, 2016:

This policy was revised to comply with the requirements of the Preventing Sexual Assault in Higher Education Act (110 ILCS 155). Additionally, changes were made to clarify the overall policy and procedures for the community.

### September 11, 2015:

This policy was revised to include information regarding DePaul University's Title IX coordinator.

### August 04, 2015:

This policy was revised to include gender identity and genetic information in the list of protected statuses. **March 31, 2015:** 

This policy was revised to include updated reporting requirements under Title IX.

May 02, 2012:

This policy was created from two former University policies: Anti-Discriminatory Harassment Policy and Procedures and Sexual Harassment Policy and Procedures

The revised, combined policy reflects current practice. It is intended to reduce confusion by eliminating redundancies and reflecting current procedures, as they have developed over time. The combined policy replaces two substantially similar policies and procedures that were explained in slightly different ways, and instead provides the university community with one single, self-contained document that provides a comprehensive explanation of all of the anti-discrimination and anti-harassment policies and procedures.

The policies were combined by Elizabeth Ortiz, Vice President for Institutional Diversity and Equity, Barbara Schaffer, AVP of Institutional Diversity and Equity, and Kathryn Stieber, Deputy General Counsel.

### V. Policy Approvals Minor Changes/No Changes 10/29/2018 Minor Changes/No Changes 08/23/2017 Minor Changes/No Changes 02/06/2017 Presidential Approval 05/04/2016 Joint Council 05/04/2016 Policy Review Group 04/21/2016 Minor Changes/No Changes 09/11/2015 Minor Changes/No Changes 08/04/2015 Presidential Approval 03/31/2015 05/02/2012 Presidential Approval Joint Council 05/02/2012 **Faculty Council** 04/04/2012 Staff Council 04/18/2012 Policy Review Group 03/13/2012

### VI. Policy

It is the policy of DePaul University that no person shall be the object of discrimination or harassment on the basis of race, color, ethnicity, religion, sex, gender, gender identity, sexual orientation, national origin, age, marital status, pregnancy, parental status, family relationship status, physical or mental disability, military status, genetic information or other status protected by local, state, or federal law in its employment or its educational settings. DePaul University reserves the right to take actions that are consistent with its policies and procedures to deal with individuals found to have engaged in harassment, discrimination and/or retaliation in violation of this policy.

### A. Related Policies

- · DePaul's Guiding Principles on Speech and Expression
- Code of Student Responsibility
- Sexual and Relationship Violence Prevention and Response Policy
- FERPA Compliance
- Faculty Handbook
- Non-Retaliation Policy
- · Progressive Discipline
- · Reporting Misconduct
- · Crime Reporting and Clery Act Compliance

### **B. Prohibited Conduct**

### **Prohibited Discrimination**

Examples of discrimination in violation of this policy include treating an employee, student or other member of the University community differently in the terms and conditions of his or her employment or education or making decisions about a person's employment, compensation, or education based upon a person's race, color, ethnicity, religion, sex, gender, gender identity, sexual orientation, national origin, age, marital status, pregnancy, parental status, family relationship status, physical or mental disability, military status, genetic information or other protected status.

### **Prohibited Harassment**

Harassment based on a protected category, as outlined above, is a form of discrimination. Harassment is unwelcome conduct that is based on any of the above described protected categories. Such harassment is prohibited where: 1) enduring the offensive conduct becomes a term or condition of one's academic, working, or living environment, or 2) the conduct is severe or pervasive enough to create an academic, working, or living environment that a reasonable person would consider intimidating, hostile, or abusive.

Minor and isolated incidents (unless extremely serious) generally will not rise to the level of prohibited conduct. To be prohibited, the conduct must create an academic, working, or living environment that would be intimidating, hostile, or abusive to reasonable people.

Depending on the specific circumstances and impact on the workplace or academic environment, examples of harassment in violation of this policy include, but are not limited to, verbal abuse, offensive innuendo, derogatory comments, or the open display of offensive objects or pictures concerning a person's race, color, ethnicity, religion, sex, gender, gender identity, sexual orientation, national origin, age, marital status, pregnancy, parental status, family relationship status, physical or mental disability, military status, genetic information or other protected status.

In addition to the examples of prohibited harassment above, sexual harassment warrants further explanation. Sexual harassment also includes, but is not limited to, any unwelcome sexual advances, direct or indirect, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to such conduct is made or is threatened to be made, either explicitly or implicitly, a term or condition of instruction, employment or participation in other University activity; or

- submission to such conduct is made or is threatened to be made, either explicitly or implicitly, a term or condition of instruction, employment or participation in other University activity; or
- submission to or rejection of such conduct by an individual is used or is threatened to be used as a
  basis for evaluation in making academic or employment decisions affecting that individual.

### **Prohibited Sexual and Relationship Violence**

Sex discrimination and sex harassment can include instances of sexual or relationship violence. For more information on DePaul's policy prohibiting sexual and relationship violence, refer to the Sexual and Relationship Violence Prevention and Response Policy.

### **Prohibited Retaliation**

DePaul prohibits retaliation and the threat of retaliation against any person, including complainants, respondents and witnesses, exercising his or her rights and/or responsibilities in good faith under the Anti-Discrimination and Anti-Harassment policy or federal law, state law, or county law prohibiting discrimination, harassment or retaliation.

For the purposes of this policy, retaliation includes any conduct directed against an individual, or someone affiliated with the individual, on the basis of or in reaction to the exercise of rights accorded and/or defined by this policy, or federal, state, county, or local law that is likely to dissuade the individual from exercising his or her rights in the future.

Claims of retaliation will be investigated and, if substantiated, constitute a separate violation of this policy. Any acts of retaliation will be subject to appropriate disciplinary action, including but not limited to reprimand, change in work assignment, loss of privileges, mandatory training, suspension, and/or termination. In conjunction with this policy, the University also enforces a Non-Retaliation Policy.

DePaul University takes good faith complaints of discrimination, harassment, and/or retaliation seriously. Individuals who knowingly make false allegations under this policy may be subject to disciplinary action, including but not limited to reprimand, suspension, and/or termination.

### C. Academic Freedom

DePaul University values the free and open exchange of ideas within an academic community. Often ideas and viewpoints can challenge our assumptions, beliefs or perspectives that are intrinsic to learning and may sometimes prove disturbing or offensive. DePaul University is committed to the principles of academic freedom and inquiry; however, discrimination and harassment as identified in this policy are neither legally protected expression nor the proper exercise of academic freedom.

### D. Reporting

### **Complaint Reporting Options**

The University strongly encourages individuals who have been the subject of, or have witnessed, or are aware of, discrimination, harassment or retaliation, to make a complaint as soon as possible. The ability to investigate a complaint may be impacted if it is not made within a reasonable time period after the alleged occurrence(s).

An individual's options for reporting conduct that may be a violation of this policy are detailed below. Reports from third parties who have not themselves been involved in an instance of discrimination, harassment or retaliation are accepted.

For purposes of reporting, the terms employee, student, and third- party mean the following:

- Employee: Faculty, staff, student employee.
- · Student: Student, as defined in the Code of Student Responsibility.

Third-party: An individual who interacts with the DePaul community and its members. This could include, but is not limited to, vendors, off-site supervisors, guests, community partners, etc.

# 1. Reporting Conduct to Human Resources? Employee Engagement & Equal Employment Opportunity) (EE&EEO)

Human Resources?Employee Engagement & Equal Employment Opportunity) ("EE&EEO") is responsible for receiving, processing, and investigating a complaint that an <a href="mailto:employee or third-party">employee or third-party</a> has engaged in discrimination, harassment, or retaliation on the basis of:

- Race
- Color
- Ethnicity
- Religion
- National origin
- Age
- Disability
- Military status
- Genetic information
- · Other status protected by local, state, or federal law

Individuals seeking to make such a complaint should contact EE&EEO.

Contact information for EE&EEO is as follows: 14 East Jackson Boulevard, Suite 1300 (312) 362-8500 EEO Investigations@depaul.edu

Complaints can also be submitted electronically on the Human Resources website by completing the Complaint Form for Discrimination, Harassment and Retaliation

### 2. Reporting Conduct to the Title IX Coordinator

The Title IX Coordinator is responsible for receiving, processing, and investigating a complaint that an <a href="mailto:employee">employee</a>, <a href="mailto:student">student</a>, or third <a href="mailto:party">party</a> has engaged in discrimination, harassment, or retaliation on the basis of:

- Sex
- Gender
- · Gender identity
- Sexual orientation
- Marital status
- Pregnancy/parental status
- Family relationship status

Individuals seeking to make such a complaint should contact the Title IX Coordinator.

Contact information for the Title IX Coordinator is as follows:

Title IX Coordinator (Jessica Landis) Lincoln Park Campus Student Center, Suite 307 (312) 362-8970 titleixcoordinator@depaul.edu

Complaints can also be submitted electronically on the Sexual & Relationship Violence Prevention website.

### 3. Reporting Conduct to the Dean of Students Office

The Dean of Students Office is responsible for receiving, processing, and investigating a complaint that a **student** has engaged in discrimination, harassment, or retaliation on the basis of:

- Race
- Color
- Ethnicity
- Religion
- National origin
- Age
- Disability
- Military status
- Genetic information
- · Other status protected by local, state, or federal law

Individuals seeking to make such a complaint should contact the Dean of Students Office.

Contact information for the Dean of Students Office is as follows:

Lincoln Park Campus Student Center, Suite 307 (773) 325-7290 deanofstudents@depaul.edu

Complaints can also be submitted electronically on the Dean of Students website.

### 4. Reporting Conduct to the Misconduct Reporting Hotline

One may anonymously report a complaint of discrimination, harassment, or retaliation to the Misconduct Reporting Hotline. The University's Reporting Misconduct Policy also describes the responsibility to report certain information that applies to this Policy.

(877) 236-8390 www.depaul.ethicspoint.com

### **General Reporting Obligations**

### 1. Reporting obligations of managers and supervisors

All members of the University who serve in a supervisory capacity are responsible for relaying all complaints of discrimination, harassment, or retaliation that comes to their attention as supervisors and that may be in violation of this policy to the appropriate office.

### Reporting obligations of all employees

Title IX prohibits sex discrimination on the basis of sex in federally funded education programs and activities. Sex discrimination includes sexual harassment, and sexual and relationship violence. Title IX requires that when an individual who is a "responsible employee" learns of sex discrimination, the responsible employee is required to promptly report specific information about the sex discrimination to DePaul's Title IX Coordinator or other appropriate designees.

At DePaul, unless otherwise designated as a confidential reporting resource, all DePaul faculty, staff, and student employees are required to promptly report incidents of sex discrimination and sexual harassment, including sexual and relationship violence that comes to their attention to the Title IX Coordinator.

As appropriate, the Title IX Coordinator works with other offices to address Title IX complaints and other Title IX compliance issues. These offices include, for example, other offices in Student Affairs, Academic Affairs, Human Resources, Athletics, Compliance and Risk Management and Enrollment Management & Marketing.

<u>Information to be disclosed:</u> The information that must be disclosed to the Title IX coordinator includes:

- the name of the person who reported the information to the employee;
- the name of the alleged affected individual, if different than the individual reporting;
- the name of the alleged perpetrator (if known);
- the names of others involved; and
- any relevant facts that have been provided, such as date, time, and location.

<u>Information to be provided:</u> For instances involving sexual and relationship violence, the employee will also provide the reporting individual with a Sexual and Relationship Violence Information Sheet.

Other important information: Employees should also:

- Familiarize themselves with confidential reporting resources.
- Inform the individual disclosing an issue related to sex discrimination or sexual harassment, including sexual or relationship violence, of their obligation to report any information shared to the Title IX Coordinator.
- Connect the individual with a confidential resource if the individual wishes to speak to someone confidentially.

Employees may also have other reporting obligations pursuant to other DePaul policies including:

Crime Reporting and Clery Act Compliance

Reporting Misconduct policy

More information about reporting responsibilities regarding sexual and relationship violence for all DePaul employees and confidential reporting options can be found on the Sexual & Relationship Violence Prevention website.

### VII. Procedures

### **Investigation and Resolution Process**

When the offices above receive a complete complaint of discrimination, harassment or retaliation, including matters related to the Sexual and Relationship Violence Prevention and Response Policy, the office will promptly investigate the allegation in a fair and expeditious manner. Every complaint is based on its own facts and circumstances, which can impact the course of the investigation. The following is an outline of the procedure generally followed.

### Receipt and Review

The specific initial steps may vary depending on the facts and circumstances of the complaint. Generally speaking, the responsible office will:

- · Acknowledge receipt of the complaint in writing within 10 days of receipt.
- Conduct a preliminary assessment of allegations to determine whether the alleged conduct, if substantiated, could constitute a violation of this Policy.

### Fact-Finding and Notifications

The specific fact-finding and notifications steps may vary depending on the facts and circumstances of the complaint. Generally speaking, the responsible office will:

- Simultaneously inform the complainant and the respondent in writing of the initiation of the investigation.
- Collect and review relevant documentation.
- · As needed, interview the complainant, respondent, and witnesses to the reported event or events.
- Prepare a summary of the investigation.
- Simultaneously inform the complainant and respondent in writing of aspects of the investigation, including, for example, any interim measures, extensions of time, and outcomes.
- Provide written notification to the appropriate University officials of its finding, if necessary.
- In matters involving student respondents, the parties will be given a written notification as to whether the matter will move forward to a Student Conduct Process.

### Time Frame for Resolution

DePaul will take reasonable measures to complete any process resulting in a determination as to a policy violation within 60 calendar days from the date when an investigation is initiated. DePaul reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all material and as circumstances warrant. As referenced above, the appropriate office will simultaneously inform the complainant and respondent of any extensions and the reasons.

### Resolution of Complaint

### When the Respondent's Status is: Employee

A determination as to policy violations will be made by EE&EEO or the Title IX Coordinator. All determinations as to whether an individual is or is not in violation of a policy will be based on the standard of "whether it is more likely than not," based on the information available at the time, that the individual is or is not in violation of the policy at issue. If EE&EEO or the Title IX Coordinator, following its investigation, determines that the Anti-Discrimination and Anti-Harassment policy has been violated, it will work with the appropriate University officials to recommend appropriate corrective action. Supervisors, department heads, chairs, and other University managers and officers have the responsibility for determining and implementing appropriate corrective action. EE&EEO or the Title IX Coordinator may advise in the implementation of corrective action and may monitor the implementation of the corrective actions.

- Report that a <u>staff member or student employee</u> may have violated this policy: For staff members, the Progressive Discipline policy applies. For student employees, the Student Conduct Process may also apply, as detailed below.
- Report that a <u>faculty member</u> may have violated this policy: The procedures outlined in the Faculty Handbook apply, including Chapter Four of the Faculty Handbook relating to discipline, suspension or termination of faculty members for cause

### When the Respondent's Status is: Student

A determination as to a policy violation and a determination as to sanctions will be addressed through the procedures outlined in the Student Conduct Process. The range of potential sanctions for students who are found responsible for violating this policy is detailed in the Student Conduct Process. Students should also familiarize themselves with all of the Student Rights in the Student Conduct Process and aspects of the Student Conduct Process. This includes, for example, the Amnesty/Good Samaritan policy.

### Other Policies

To the extent that the initial assessment or investigation indicates that other University policies may have been violated by the reported conduct, the appropriate University official(s) will be notified and applicable procedures set forth in the DePaul Student Handbook, the applicable policy, the DePaul Faculty Handbook, or relevant collective bargaining agreements will apply

### Confidentiality

DePaul is committed to balancing the interests of all parties involved in discrimination, harassment, and/or retaliation complaints. To the extent possible, DePaul will limit the disclosure of information related to the complaint and its investigation. Nonetheless, DePaul cannot promise confidentiality of any information received in a complaint or during an investigation.

### Section 504 Grievance Procedure

Please note that this Policy constitutes the University's Section 504 Grievance Procedure. EE&EEO is the University's Section 504 Coordinator for Grievance Procedures. Any employee, applicant, or student who believes that they may have been discriminated against based on a disability, or retaliated against because they complained about discrimination or because they have requested an accommodation may file a complaint through this Policy.

Employees and applicants for employment seeking accommodations for physical or mental disabilities should contact the University's Section 504 Coordinator for Employees (EE&EEO). Students and applicants for admissions seeking accommodations for physical or mental disabilities should contact the University's Section 504 Coordinator for Students (Center for Students with Disabilities).

### **Other Resources**

Although the University encourages individuals to utilize the complaint process described above to resolve any complaints, use of this process does not prohibit the filing of a complaint with external agencies at any time. Individuals may choose to file a complaint with various external agencies including, but not limited to, the government agencies listed below.

### The U.S. Equal Employment Opportunity Commission

http://www.eeoc.gov/field/chicago/

### Illinois Department of Human Rights

http://www.illinois.gov/dhr/Pages/default.aspx

### The U.S. Department of Education, Office for Civil Rights

http://www2.ed.gov/about/offices/list/ocr/addresses.html

### VIII. Divisional Collaborations

Office of Institutional Compliance Academic Affairs

### IX. Contact Information

EE&EEO 14 East Jackson Boulevard, Suite 1300 (312) 362-8500 EEO\_Investigations@depaul.edu

Title IX Coordinator Lincoln Park Campus Student Center, Suite 307 (312) 362-8970 titleixcoordinator@depaul.edu

### X. Appendices

None.

# EXHIBIT C

DEGREE REQUIREMENTS UNDERGRADUATE CORE COURSE DESCRIPTIONS COLLEGES & SCHOOLS STUDENT HANDBOOKS CATALOG ARCHIVE

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process

### **Student Conduct Process**

In this section of the Code of Student Responsibility, you will find information about the Student Conduct Process. The Student Conduct Process protects students and the University by delineating specific procedures for addressing potential policy violations.

A student may violate a policy by engaging in the conduct detailed in the policy or by assisting others with engaging in the conduct detailed in the policy.

In general, the Vice President for Student Affairs, or his/her designees, maintains exclusive authority for imposing sanctions for behaviors that violate the policies in the Code of Student Responsibility and for student violations of University policies.

There are some exceptions to this general statement. For example, Academic Affairs addresses potential violations of academic policies and maintains a separate process for addressing potential violations of the Academic Integrity policy.

The Dean of Students Office within Student Affairs is primarily responsible for managing the Student Conduct Process. Residential Education also manages the Student Conduct Process for certain policy violations by residential students.

UNDERGRADUATE CORE **COURSE DESCRIPTIONS COLLEGES & SCHOOLS** STUDENT HANDBOOKS **CATALOG ARCHIVE DEGREE REQUIREMENTS** 

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Student Rights Within the Student Conduct Process

# **Student Rights Within the Student Conduct Process**

A student participating in the Student Conduct Process is entitled to the following rights as a guarantee of fundamental fairness:

- 1. The right to a Student Conduct Process that proceeds in a prompt and equitable manner.
- 2. The right to be given an opportunity for a hearing in accordance with the Student Conduct Process.
- 3. The right to a written statement of the alleged violations in sufficient enough detail to prepare.
- 4. The right to be accompanied by an advisor.
- 5. For the complainant(s) and referred student(s), a written statement of the possible sanctions that may be imposed.
- 6. For the complainant(s) and referred student(s), the right to submit information and witnesses on one's behalf and, to the extent necessary, to question witnesses' statements, whether verbally or in writing.
- 7. The right to have the Student Conduct Process explained and to ask for clarification of any policies or procedures.
- 8. The right to have reasonable access to information specific to one's case.
- 9. The right to a separate hearing when a single incident gives rise to charges against more than one referred student.
- 10. The right to speak on one's own behalf (or, in the case of a student organization, for the student organization's officers to speak on the student organization's behalf).
- 11. The right to promptly know the names of the individuals who will be serving as an Administrative Hearing officer, moderator, on a University Board panel, or reviewing an appeal, and to request a substitution of any such individual for justifiable reason.
- 12. The right to have proceedings and documentation kept private and confidential. All hearings, proceedings and case information are considered confidential except to those who have a legitimate educational interest in them, or as permitted or required under FERPA, the Clery Act, or any other legal mandate.
- 13. The right to a written decision, which the University will take reasonable measures to provide within five business days of completion of the last hearing.

- 14. The right to request an appeal on specific grounds.
- 15. The right for any student registered with the Center for Students with Disabilities to request accommodations to ensure their full and equal participation in any conduct process and/or proceeding. Accommodation requests are to be made directly to the Dean of Students Office. Accommodations are determined on an individual basis in consultation with the Center for Students with Disabilities.
- 16. The right to request to bring a language interpreter at the sole expense of the student making the request. The Dean of Students Office must be notified of this request. An interpreter would be an addition to an approved advisor.

**DEGREE REQUIREMENTS UNDERGRADUATE CORE COURSE DESCRIPTIONS COLLEGES & SCHOOLS** STUDENT HANDBOOKS **CATALOG ARCHIVE** 

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > University Rights Within the Student Conduct Process

# **University Rights Within the Student Conduct Process**

The University reserves the following rights:

- 1. The right, in accordance with applicable legal mandates, to refer any matter involving a potential violation of criminal or civil law to the proper law enforcement agency.
- 2. The right to initiate a Student Conduct Process based on reliable information indicating a potential policy violation.
- 3. The right to sanction a student on an interim basis in accordance with the procedures described in the Student Conduct Process.
- 4. The right to share the outcomes of the Student Conduct Process as permitted or required under FERPA, the Clery Act, or any other legal mandate.
- 5. In keeping with its commitment to offer a fundamentally fair process for all students involved in the Student Conduct Process, the right to adapt certain aspects of the Student Conduct Process in specific circumstances, in order to meet the interests of all involved parties, including the University.
- 6. The right to cease the Student Conduct Process under appropriate circumstances.

**DEGREE REQUIREMENTS UNDERGRADUATE CORE COURSE DESCRIPTIONS COLLEGES & SCHOOLS** STUDENT HANDBOOKS **CATALOG ARCHIVE** 

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Relationship Between the Student Conduct Process, Law Enforcement, and Legal Proceedings

# Relationship Between the Student Conduct Process, Law Enforcement, and Legal **Proceedings**

The Student Conduct Process is designed to be educational, not legal, in nature. Rules of evidence and discovery do not apply to the Student Conduct Process. Students should not draw parallel interpretations between the Student Conduct Process and legal proceedings.

The University may proceed with a Student Conduct Process independently of any action taken by law enforcement or local, State or federal courts or government agencies. Similarly, the University may, in its discretion, decide to delay a Student Conduct Process until the conclusion of a court proceeding or other law enforcement or legal process.

The outcome of a legal proceeding is not determinative on the Student Conduct Process.

Students are not required to report incidents to local law enforcement in order for the University to proceed with a Student Conduct Process. The University does, however, reserve the right in accordance with applicable legal mandates, to refer any matter involving a potential violation of criminal or civil law to the proper law enforcement agency.

DEGREE REQUIREMENTS UNDERGRADUATE CORE COURSE DESCRIPTIONS COLLEGES & SCHOOLS STUDENT HANDBOOKS CATALOG ARCHIVE

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Failure to Participate

# **Failure to Participate**

If a complaining student chooses not to participate in the Student Conduct Process as a complainant, the University may proceed with the Student Conduct Process with the University serving as the complainant. The complaining student may choose to participate as a witness or not at all. The hearing officer will render a decision and, if appropriate, impose sanctions, based solely on the information available, without the benefit of any additional information from the complaining student.

If a referred student chooses not to participate or not to fully participate in the Student Conduct Process, the hearing officer, or University Board panel, will render a decision and, if appropriate, impose sanctions, based solely on the information available, without the benefit of any additional information from the referred student. However, the University reserves the right, in its sole discretion, to delay a Student Conduct Process.

All students participating in the Student Conduct Process will be provided specific deadlines at various stages of the Student Conduct Process. Failure to respond in a timely manner according to deadlines provided may result in a student's inability to participate in the Student Conduct Process. The University reserves the right to continue with the Student Conduct Process at its discretion.

A student is never required to participate in a Student Conduct Process as a witness. However, all students are encouraged to comply with the Student Conduct Process. Witnesses who provide false or misleading information may have the matter referred to the Dean of Students Office for consideration of a policy violation and subsequent Student Conduct Process.

DEGREE REQUIREMENTS UNDERGRADUATE CORE COURSE DESCRIPTIONS COLLEGES & SCHOOLS STUDENT HANDBOOKS CATALOG ARCHIVE

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Blue Demon Duty

# **Blue Demon Duty**

10/23/2018

At DePaul University, the health, safety, and welfare of our students and community are paramount concerns. DePaul hopes that students will alert appropriate officials in the event of any health or safety emergency, specifically including those involving the abuse of alcohol or other drugs, even if violations of University policies may have occurred in connection with such an emergency. DePaul expects that students will, to the degree safe and appropriate, be an active bystander in situations where a fellow community member may need help.

Because the University understands that fear of possible disciplinary actions may deter requests for emergency assistance, the University has adopted the following protocol to alleviate such concerns and promote responsible action on the part of students.

In a situation involving imminent threat or danger to the health or safety of any individual(s), students are urged to (1) contact emergency officials by calling Public Safety or 911 to report the incident, (2) to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so, and (3) meet with appropriate University officials after the incident and cooperate with any University investigation.

The University will consider the positive impact of taking responsible action in an emergency situation when determining the appropriate response for alleged policy violations that may have occurred prior to or contemporaneously with the emergency notification.

Additionally, students who report in good-faith a violation of another University policy will not generally be subject to sanctions through the Student Conduct Process related to conduct that is revealed in the course of making the report. For example, a student who reports sexual or relationship violence will not generally be subject to sanctions through the Student Conduct Process related to attendant violations related to drug or alcohol use.

Notwithstanding the above, a student may be held responsible for egregious policy violations or policy violations that create a health or safety risk. This could include conduct such as physical violence, hazing, vandalism, harassment or in instances where multiple individuals require medical attention.

Additionally, this protocol does not preclude or prevent action by Public Safety, police or other legal authorities.

Although no sanctions will be imposed through the Student Conduct Process, the incident will be documented and educational interventions may be required as a condition of deferring disciplinary actions or sanctions. Contact with a student's emergency contact may be made at the time of the incident if medical transport of the reporting party is deemed appropriate.

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Preliminary Investigations

# **Preliminary Investigations**

When the University is made aware of a potential student violation of a policy in the Code of Student Responsibility or another University policy, it may be necessary to conduct an investigation prior to referring the incident to the Student Conduct Process. Such investigations are either conducted by or in collaboration with the Dean of Students Office. Some examples of other offices that may conduct investigations include the Office of Institutional Diversity and Equity, Residential Education, the Office of Student Involvement, Internal Audit, Academic Affairs, and Information Security.

Offices charged with conducting an investigation may gather information, conduct interviews, and solicit materials. Investigations will be conducted with all reasonable speed. At the conclusion of the investigation, an investigator will work with the Dean of Students Office or other appropriate offices to determine whether the Student Conduct Process will begin. To the extent necessary, an investigator will provide information that will become part of a Student Conduct Process or an investigator may participate in the Student Conduct Process as a witness.

A student may choose to have an advisor at any meeting related to an investigation that may give rise to a Student Conduct Process.

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Standard for Hearing Determinations

# **Standard for Hearing Determinations**

All determinations as to whether a student is or is not in violation of a policy will be based on the standard of "whether it is more likely than not" that the student is in violation of the policy at issue.

A finding of "IN VIOLATION" means that, based on the information available at the time, it is more likely than not that the student is in violation of the policy at issue. A finding of "NOT IN VIOLATION" means that, based on the information available at the time, it is more likely than not that the student is not in violation of the policy at issue.

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Overview of the Student Conduct Process

## **Overview of the Student Conduct Process**

The Student Conduct Process begins when the University receives information that a student's conduct may be in violation of the policies in the Code of Student Responsibility or other University policies.

The University will review the information provided and make a decision that:

- (a) It is appropriate to initiate a Student Conduct Process.
- (b) More information or investigation is needed before making a determination whether to initiate a Student Conduct Process.
- (c) It is not appropriate to initiate a Student Conduct Process at this time.

If a Student Conduct Process is initiated (including after further investigation or information gathering), the Student Conduct Process will proceed as follows:

- (1) The University will promptly communicate with the relevant parties, including the complainant and the referred student, in order to explain the Student Conduct Process. See details in Initial Meetings.
- (2) Depending on the circumstances, the University may decide to impose interim sanctions. See details in Interim Sanctions.
- (3) The University will determine whether the Student Conduct Process will proceed with an administrative hearing or a University Board hearing. This determination will be discussed with the relevant parties during any initial meetings. Factors that contribute to the decision include but are not limited to the type of violation, severity of the incident, consideration for potential likely sanctions, the impact on the larger University community, and the role of the complainant.
- (4) The University will work with the individuals involved to determine each individual's level of participation in the Student Conduct Process and what role each individual will have in the Student Conduct Process. For example, whether the referred student will be participating in the Student Conduct Process; and whether the complaining individual will serve as a complainant, witness, or not participate at all.
- (5) The University will hold an administrative hearing or a University Board hearing. See details in Administrative Hearing Process and University Board hearing process.
- (6) If a referred student is found "IN VIOLATION" of any policy, conduct sanctions will be assigned. See details in Information About Conduct Sanctions.
- (7) The complainant and the referred student will have the opportunity to appeal all determinations as to policy violations and sanctions. See details in Conduct Appeals Procedures.

10/23/2018

**DEGREE REQUIREMENTS UNDERGRADUATE CORE COURSE DESCRIPTIONS COLLEGES & SCHOOLS** STUDENT HANDBOOKS **CATALOG ARCHIVE** 

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Other University Processes Including Residential Education

# **Other University Processes Including Residential Education**

In general, the Dean of Students Office is responsible for managing the Student Conduct Process. However, other University departments may initiate investigations, manage hearing processes, or impose sanctions in accordance with other University policies and procedures, and in consultation with the Dean of Students Office and Student Affairs when appropriate. Examples of other areas that may initiate investigations, manage hearing processes, or impose sanctions in accordance with other University policies and procedures include Internal Audit and the Office of Institutional Diversity and Equity.

Students should be particularly aware that Residential Education maintains a separate conduct system for violations of Residential Education policies and, as appropriate, violations of other policies that occur in DePaul housing. Students should consult Residence Education for information regarding those policies and procedures, including information on how to file a complaint with Residential Education.

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Initial Meetings

# **Initial Meetings**

This section explains the details of the initial meeting of the Student Conduct Process. For a complete overview of the Student Conduct Process go to Overview of the Student Conduct Process.

At the beginning of a Student Conduct Process, both the complainant and the referred student will promptly be offered:

- A detailed explanation of the Student Conduct Process, including student rights within that process, and an opportunity to answer any questions that the student might have about the Student Conduct Process.
- A written statement of the alleged violations in sufficient enough detail to prepare.
- Reasonable access to the information that will be considered throughout the Student Conduct Process.
- Instructions as to next steps in the Student Conduct Process.
- Options regarding level of participation in the Student Conduct Process and roles in the Student Conduct Process, including the consequences of each option.
- Information about the individuals who will participate in managing the Student Conduct Process moving forward (for example, the moderator, administrative hearing officer, University Board panel, etc.) and the opportunity to request a substitution of any such individual because of a possible conflict of interest or other prejudice. All decisions about removal of individuals from their participation in a Student Conduct Process will be made by the Dean of Students or the Dean's designee. All such decisions are final.
- Information about any interim sanctions, if applicable.

If possible, the complainant and referred student will be given the opportunity to participate in a face-to-face meeting, or series of meetings, in order to communicate this information. If this is not possible, information will be communicated via phone, email, or other means.

During initial meetings, the University may also request additional information from the complainant or referred student or otherwise collect additional information.

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Interim Sanctions

# **Interim Sanctions**

This section explains the details of interim sanctions in the Student Conduct Process. For a complete overview of the Student Conduct Process go to Overview of the Student Conduct Process.

In order to protect the health, safety, security and well-being of the University community and its members, the University reserves the right to immediately impose interim sanctions at any point during a Student Conduct Process. These interim sanctions could include, for example, a suspension.

In general, the University will impose an interim sanction if it determines that there is:

- (1) An ongoing threat to an individual, including a complainant or referred student;
- (2) An ongoing threat to property; or
- A risk of disruption of University business.

Interim sanctions may not be appealed.

In cases where interim sanctions are imposed, the University will take reasonable measures to ensure that a Student Conduct Process proceeds to a final determination as to whether or not there was a policy violation, and any final sanctions, within ten business days of the imposition of any interim sanctions. However, the University reserves the right to extend this time limit, in its sole discretion, in order to ensure proper review of all relevant material.

During the time that an interim sanction is in place, a student must abide by the requirements of the interim sanction.

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Administrative Hearing Process

# **Administrative Hearing Process**

This section explains the details of an administrative hearing in the Student Conduct Process. For a complete overview of the Student Conduct Process go to Overview of the Student Conduct Process.

If the University determines that an administrative hearing is appropriate, the University will take reasonable measures to ensure that the first session of the administrative hearing takes place within five business days of the conclusion of the initial meetings. However, the University reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material.

A mutually convenient time for the administrative hearing will be decided upon. If necessary, and at the discretion of the administrative hearing officer, an administrative hearing may take place over the telephone and/or video conferencing. In an administrative hearing a complainant does not attend a meeting with the referred student, however, any relevant information or questions will be relayed between the parties by the administrative hearing officer. The administrative hearing officer will hold as many meetings as necessary. An administrative hearing will proceed as follows:

- 1. The administrative hearing officer will confirm that the referred student understands the student's rights.
- 2. The administrative hearing officer will review all relevant information that has been provided by the complainant, as a result of investigation, etc.
- 3. The administrative hearing officer and referred student will discuss the alleged violation.
- 4. The referred student will have an opportunity to give a statement about the alleged violation.
- 5. The referred student will have the opportunity to provide witness information and, to the extent necessary, to question witnesses' statements, whether verbally or in writing.
- 6. After the administrative hearing officer has examined all of the information, the administrative hearing officer will determine that the student is or is not in violation of the policy at issue.
- 7. If the administrative hearing officer finds the student in violation, the administrative hearing officer will determine the appropriate sanctions. The University will take reasonable measures to notify the complainant and referred student of the outcome and sanctions in writing within five business days of the last session of an administrative hearing. However, the University reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material.
- 8. The administrative hearing officer will inform the complainant and the referred student of their appeal options.

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > University Board Hearing Process

# **University Board Hearing Process**

This section explains the details of a University Board hearing in the Student Conduct Process. For a complete overview of the Student Conduct Process go to Overview of the Student Conduct Process.

If the University determines that a University Board hearing is appropriate, the University will take reasonable measures to ensure that the first session of the University Board hearing takes place within seven business days of the conclusion of the initial meetings. However, the University reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material.

A mutually convenient time for the University Board hearing will be decided upon. If requested by a party or otherwise necessary, and at the discretion of the moderator, a University Board hearing may take place entirely over the telephone and/or video conferencing, or with one or more parties participating by telephone and/or video conferencing. The University Board hearing will proceed over as many sessions as necessary, although each session will be limited to no more than three hours.

The moderator will set a date by which all materials for the hearing will be sent to the University Board. Materials turned into the moderator after that date will be sent to the University Board if feasible.

The actual University Board hearing will proceed as follows:

- 1. The University Board panel will select a chairperson. The chairperson is charged with maintaining an orderly discussion throughout the University Board Hearing and ensuring that there is equal opportunity for both the complainant and the referred student to present their information.
- 2. The Chairperson will confirm that all students understand their rights.
- 3. The Chairperson will describe the information before the University Board panel and will make sure that all students have copies of materials as needed.
- 4. The complainant and the referred student will have an opportunity to give an initial statement about the alleged violation. In cases where a University representative is serving as the complainant, the University representative will present any information that has been made available. The initial statement may be read aloud or submitted in writing. In the interest of time, the University Board panel may place a time limit on the initial statements.
- 5. If an investigator was utilized prior to the University Board hearing, the investigator will provide an overview of the investigation and answer questions from the panel, complainant and referred student. The investigator will be present for the entirety of the hearing should additional questions arise.

- 6. Both the complainant and the referred student will have the opportunity to provide witnesses. In cases where a University representative is serving as the complainant, the University representative will present any witness information that has been made available. The University Board panel may also request additional witnesses. Witnesses will provide their information one at a time. A witness may only be present when that witness is providing information. The University may approve the use of written statements from witnesses who are not available to be present in person.
- 7. The University Board panel may present questions to witnesses who are present at the University Board hearing. If the complainant or the referred student have any questions for witnesses, they may offer those questions to the chairperson of the University Board panel to ask the witness. The University Board panel may decline to ask any question provided. The University Board panel may ask that a witness return later in the University Board hearing for additional questions.
- 8. Members of the University Board may ask questions to the complainant and the referred student at any time during the University Board hearing. If the complainant or the referred student have any questions for each other, they may offer those questions to the chairperson of the University Board panel to ask the witness. The University Board panel may decline to ask any question provided.
- 9. After the University Board panel has reviewed all the relevant information provided in the University Board hearing, the chairperson will ask the complainant and the referred student whether there is any additional information that needs to be considered but that has not already been provided.
- 10. The complainant and the referred student will have an opportunity to give a final statement about the alleged violation. In cases where a University representative is serving as the complainant, the University representative will simply summarize the information already provided. The final statement may be read aloud or submitted in writing. In the interest of time, the University Board panel may place a time limit on the final statements.
- 11. The moderator will excuse everyone from the University Board hearing except for the University Board panel and the moderator.
- 12. The University Board panel will determine that the student is or is not in violation of the policy at issue. A majority vote by the University Board panel will be used to make this determination. The decision will be reviewed with the moderator before being finalized.
- 13. If the University Board panel finds the student in violation, the University Board panel will determine the appropriate sanctions. Prior to making any determinations about sanctions, the moderator will inform the University Board panel of any previous student conduct matters involving the referred student. A majority vote by the University Board panel will be used to make this determination. The decision will be reviewed with the moderator before being finalized.
- 14. Typically, the moderator will invite the referred student back into the University Board hearing and the chairperson will announce the decisions of the University Board panel. Typically, the decision will be announced to the complainant by the moderator as appropriate.
- 15. The University will take reasonable measures to notify the complainant and referred student of the outcome and sanctions in writing within five business days of the last session of a University Board hearing. However, the University reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material.

16. The moderator will inform the complainant and the referred student of their appeal options.

Student organizations have the same rights as students, modified as necessary to address the group or organizational context.

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Information About Conduct Sanctions

## **Information About Conduct Sanctions**

This section explains the details of conduct sanctions. For a complete overview of the Student Conduct Process go to Overview of the Student Conduct Process.

The Student Conduct Process is an educational one by which the University strives to instill in its students an understanding that they are responsible for their actions. There are several reasons for imposing conduct sanctions:

- 1. To educate students and redirect behavior toward a standard more acceptable for members of the University community.
- 2. To protect the University community from possible harm or injury.
- 3. To require restitution for property that is lost, stolen or damaged.

In general, conduct sanctions become effective immediately when given. In certain circumstances, the University may delay the effective date of sanctions. Students will be informed of any decision to delay the effective date of sanctions.

Conduct sanctions are determined based on a consideration of the totality of the circumstances. This could include, for example, a student's prior record of conduct; the severity of the incident; and the impact on the community. Students may be assigned a single sanction or multiple sanctions.

As detailed in Emergency Contacts, a student's emergency contacts or other individuals may be made aware of sanctions in certain situations involving violations of university policies or laws related to alcohol and controlled substances.

The following is a list of sanctions that the University may impose on a student or student organization through the Student Conduct Process:

- 1. Restriction: Restrictions upon a student's University privileges may be imposed for a set period of time. These restrictions may include, but are not limited to, removal from student housing, the denial of the right to represent the University in any way, access to facilities or individuals, parking privileges, and/or participation in certain curricular, co-curricular or extra-curricular activities.
- 2. Restitution: A student who damages property may be required to pay actual repair or replacement costs. Failure to pay may result in withholding of the student's records and/or additional sanctions.
- 3. Educational Project: An educational project is a sanction designed to assist the student in better understanding the overall impact of the policy violation. Educational projects might include research papers, the creation of educational materials, or the planning and/or presentation of educational programs related to the policy infraction. Assigned projects may not include physical labor unless

they are directly related to the violations(s) and do not cause humiliation or degradation to the student.

- 4. Alcohol and Other Drug Intervention: A student who is found responsible for violation a policy related to alcohol or controlled substances may be required to meet with the Office of Health Promotion and Wellness and/or participate in an intervention called BASICS (Brief Alcohol Screening and Intervention for College Students).
- 5. University Reprimand: University reprimand signifies that any further policy violation may result in additional sanctions. It does not restrict the student in any way.
- 6. University Probation: University probation is a written statement to the student indicating that the student's behavior is of such a nature as to jeopardize continued enrollment at the University. University probation can be for a specified period of time or for as long as the student is enrolled. Any additional policy violation during the probationary period may result in additional sanctions.
- 7. Suspension: Suspension is a total separation from the University for a required period of time and/or until particular conditions for readmission are met. Suspension may include various prohibitions regarding a student's ability to be on University property or participate in University activities. A sanction of suspension is permanently noted on a student's transcript, regardless of whether or not the student is successfully readmitted at the conclusion of a suspension. At the end of the suspension period and/or once the student can demonstrate that the conditions for readmission have been met, the student may be required to meet with the Dean of Students or other designee before being readmitted to the University.
- 8. Dismissal: Dismissal is a permanent separation from the University. Dismissal is a permanent bar to readmission to the University. A sanction of dismissal is permanently noted on a student's transcript. Dismissal may include various prohibitions regarding a student's ability to be on University property or participate in University activities.
- 9. Revocation of Admission: Revocation of admission signifies that a student who has previously been admitted to the University, but has not yet matriculated, is no longer admitted for enrollment in the planned term and program. Revocation of admission may be a permanent separation from the University and permanent bar to readmission to the University, or it may be limited to a particular time frame or program. The student may be required to meet with the Dean of Students or other designee before being readmitted to the University.
- 10. Revocation of Degree: Revocation of degree signifies that the University is withdrawing a degree that has been awarded. Revocation of degree is a permanent separation from the University. Revocation of degree is a permanent bar to readmission to the University. A sanction of revocation of degree is permanently noted on a student's transcript.

Student organizations are subject to the same sanctions as students, modified as necessary to address the group or organizational context, plus any such other sanctions or outcomes that are deemed appropriate under the circumstances. Other sanctions may be imposed on students or student organizations for policy violations related to processes managed by other University areas.

**UNDERGRADUATE CORE COURSE DESCRIPTIONS COLLEGES & SCHOOLS** STUDENT HANDBOOKS **CATALOG ARCHIVE DEGREE REQUIREMENTS** 

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > **Conduct Appeal Procedures** 

# **Conduct Appeal Procedures**

This section explains the details of appeals in the Student Conduct Process. For a complete overview of the Student Conduct Process go to Overview of the Student Conduct Process.

Determinations as to whether or not a policy has been violated and sanctions may be appealed through these procedures. Both complainants and referred students may appeal determinations as to policy violations and sanctions. The reason for the appeal process is to guarantee that the situation has been resolved through a fundamentally fair process in accordance with established policies and procedures.

Students will be informed of these appeals procedures, including to whom an appeal should be directed, at the conclusion of an administrative hearing, University Board hearing, or otherwise when a determination of a policy violation is made and/or sanctions are determined.

Typically, appeals from a University Board hearing will be submitted to the Dean of Students, while appeals from an administrative hearing will be submitted to the supervisor of the administrative hearing officer. The individual reviewing an appeal will have had no involvement in the initial determination. Either party will have the opportunity to request the substitution of the individual reviewing an appeal because of a possible conflict of interest or other prejudice.

A complainant or referred student may only appeal the determination as to a policy violation or sanction on the following three grounds:

- 1. A substantial procedural error occurred that unreasonably impaired a fair process or rendering of a determination or sanction, and that made the process or the final decision fundamentally unfair.
- 2. New information of a substantive nature that was impossible to have been considered at the time of the hearing or determination has been discovered, and it would be fundamentally unfair to not consider the information.
- 3. The initial sanction(s) are fundamentally unfair, disproportionate, or inappropriate.

In order to appeal, the complainant and/or referred student must submit a written request for appeal to the designated individual within five business days of being notified of the initial decision.

The individual designated to review the appeal may decide that the sanctions imposed should not go into effect until the appeal process is completed. Complainants and referred students should understand, however, that, unless otherwise stipulated, sanctions are considered in effect once a hearing is completed, regardless of whether an appeal is requested.

The individual designated to review the appeal will make a determination that:

- 1. The appeal is denied because none of the grounds for an appeal above have been met.
- 2. The appeal is granted because one or more of the grounds for an appeal have been met.

The designated reviewer will take reasonable measures to notify the complainant and/or referred students of the appeal determination within five business days of when the University receives the appeal. However, the University reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material.

If an appeal is granted, then the individual designated to review the appeal will determine whether the matter can be resolved without a new hearing (for example, modification of sanctions so that they are not fundamentally unfair or inappropriate) or whether a new hearing is necessary. If a new hearing is necessary, the University will determine whether this hearing will be an administrative hearing or a University Board hearing. All hearings that take place after an appeal has been granted will proceed in accordance with established procedures.

All decisions regarding whether an appeal will be granted are final. If the appeal is denied, then all sanctions imposed will remain in effect.

10/23/2018

DEGREE REQUIREMENTS UNDERGRADUATE CORE COURSE DESCRIPTIONS COLLEGES & SCHOOLS STUDENT HANDBOOKS CATALOG ARCHIVE

DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Student Conduct Records

## **Student Conduct Records**

Student conduct records are maintained in accordance with the University's Records Retention Schedule. Specifically, student conduct records from a Student Conduct Process that did not result in a sanction of dismissal or suspension are retained for ten years after a student's graduation or last date of attendance.

In accordance with the University Records Retention Schedule, transcripts are retained permanently. As such, student conduct records from a Student Conduct Process that resulted in a sanction of dismissal or suspension are retained permanently.

The University may also report disciplinary matters that remain unresolved and pending at the time a student left or withdrew from the University. Records of pending matters are kept indefinitely; once resolved, they are kept and maintained according to the policy stated above.

The University will release student conduct records and the information in those records only as permitted or required under FERPA, the Clery Act, or any other legal mandate.

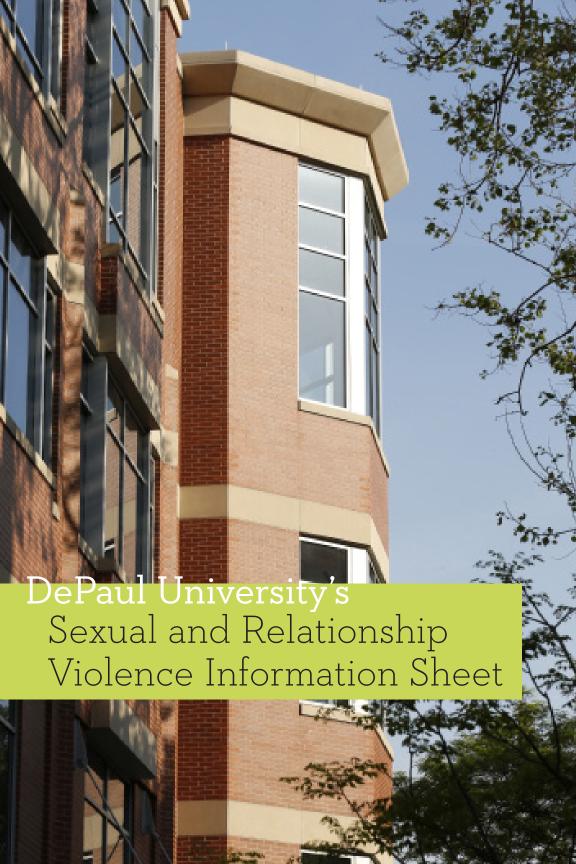
DePaul University Catalog > Student Handbooks > Code of Student Responsibility > Student Conduct Process > Additional Procedures Regarding Sexual and Relationship Violence

# **Additional Procedures Regarding Sexual and Relationship Violence**

In addition to the procedures in the Student Conduct Process, students should also consult the Sexual and Relationship Violence Prevention and Response policy for additional procedural information for Student Conduct Process matters involving a potential violation of that policy.

In order to be eligible to conduct an administrative hearing, sit on a University Board panel, or hear an appeal, involving a violation of the Sexual and Relationship Violence Prevention and Response policy, an individual must also receive at least 8 hours of annual training on issues related to the issues detailed in that policy. A sufficient number of individuals will receive this annual training such that substitutions of personnel and University Board panel members for conflict of interest and other matters can occur as needed.

# EXHIBIT D



DePaul University is concerned about the safety and well-being of its students, faculty and staff. If you have experienced any incidents of sexual misconduct, harassment, or violence, whether on- or off-campus, please know that you have rights, you have options, and support is available for you. This document is intended as an overview of various policies, procedures, resources, and supports.

# Table of Contents

- 4 Rights and Reporting Options
- 6 Privacy and Confidentiality
- 7 Confidential Advisors
- 8 University Student Conduct Information & Other Information About Filing
- 9 Medical, Legal and Law Enforcement Information
- 11 Additional Resources

# Rights and Reporting Options

# Title IX:

Title IX of the Education Amendments of 1972 ("Title IX") prohibits discrimination based on sex, which includes sexual and relationship violence at any federally funded education program or activity. When the university receives a complaint of sexual and relationship violence or discrimination, it will respond in a prompt and equitable manner, consider and process every complaint based on its own facts and circumstances, and prohibit retaliation against anyone for raising complaints or participating in a process related to Title IX. DePaul's complete Anti-Discrimination and Anti-Harassment policy can be found at http://go.depaul.edu/adah

# **Sexual and Relationship Violence:**

DePaul's Sexual and Relationship Violence Prevention and Response Policy (SRV) strictly prohibits sexual and relationship violence and threats of sexual and relationship violence, which is defined in DePaul's policy. Individuals of any sex, sexual orientation, or gender identity may experience sexual or relationship violence. In all instances, DePaul encourages reporting of unwelcome conduct whether or not it appears to meet the definitions as set forth in DePaul's policy. With a report, DePaul can assist in identifying resources and available courses of action. DePaul's complete Sexual and Relationship Violence Prevention and Response policy can be found at <a href="http://go.depaul.edu/srvpolicy">http://go.depaul.edu/srvpolicy</a>

# **Reporting Rights:**

You have the right to report an incident of sexual or relationship violence to the university, law enforcement, or both. You also have the right not to make a report.

# **On Campus Reporting Options:**

# **Emergency Reporting:**

Public Safety: The Public Safety Office is open 24 hours a day, 7 days a

week.

Lincoln Park campus: 773-325-7777

# **Non-Emergency Reporting:**

Title IX Coordinator: Jessica Landis is the Title IX coordinator for DePaul University. The Title IX coordinator's office is located in the Lincoln Park Student Center room 308D. You can contact the Title IX coordinator by calling 312-362-8970 or emailing titleixcoordinator@depaul.edu. The Title IX coordinator works with other offices to address Title IX complaints and other Title IX compliance issues. These offices include Student Affairs, Academic Affairs, Human Resources, Athletics, Compliance and Risk Management and Enrollment Management & Marketing.

# **Anonymous Reporting:**

The Misconduct Reporting Hotline is available for anonymous, electronic reporting. Call 877.236.8390 or <a href="departments.org/departments.o

In addition, electronic reports of sexual and relationship violence, including anonymous reports, can be made by accessing the incident reporting form at http://go.depaul.edu/report

# **Responsible Employees:**

All DePaul faculty and staff who have not otherwise been designated as confidential reporting resources (defined on following page) are "responsible employees." Title IX requires that when a responsible employee learns of sex discrimination, including sexual or relationship violence, that individual is required to promptly advise the Title IX coordinator or other appropriate designees. Because of this, please note that, although DePaul takes survivor confidentiality very seriously, confidentiality cannot be guaranteed when informing DePaul employees who have not otherwise been designated as confidential reporting resources of incidents of sexual or relationship violence.

Information will only be shared with those employees who "need to know" in order to assist the review, investigation, resolution or remediation of the report.

DePaul is committed to protecting the privacy of all individuals involved in a report of prohibited conduct. In any report, investigation or resolution of a report, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegation and to the extent required or permitted by law. Information will only be shared with those employees who "need to know" in order to assist the review, investigation, resolution or remediation of the report.

DePaul takes confidentiality very seriously and takes steps to protect confidentiality to the extent possible by law. Information shared with designated confidential campus or community professionals cannot be revealed without express permission, or as otherwise permitted or required by law. Designated confidential reporting resources are the Office of Health Promotion and Wellness (Survivor Support Advocates), University Counseling Services, Mission and Ministry, and the University Ombudsperson. More information about other oncampus confidential reporting resources can be found at http:// go.depaul.edu/srv.

Although DePaul aims to honor requests for confidentiality where possible, there may be times where the university will have to move forward with the Student Conduct Process or other response even if an individual declines to participate.

# Office of Health Promotion & Wellness, Survivor Support Advocates

go.depaul.edu/hpw 773-325-7129 hpw@depaul.edu 2250 N. Sheffield Ave, Suite 302

Survivor Support Advocates are designated as confidential advisors. They can provide anyone who has had an experience with sexual or relationship violence with a safe, confidential, and non-judgmental space to receive support.

Staff can connect individuals with on- and off-campus resources, such as confidential counseling with University Counseling Services or recognized religious leaders engaging in pastoral care in Mission and Ministry; medical/legal/law enforcement options, including obtaining orders of protection and no contact orders or obtaining medical forensic examinations at no cost; safety planning and self-care; and alterations to transportation and working situations if requested and reasonably available. They can also assist with notifying campus authorities and local law enforcement about incidents of sexual and relationship violence.

You are entitled to decline notification to campus authorities or local law enforcement. Scheduled appointments and walk-ins are welcome.

# University Student Conduct Information & Other Information About Filing Complaints

# **Processing and Resolving Complaints:**

DePaul University is committed to providing a prompt and equitable investigation and resolution to issues of sexual and relationship violence. For students, this includes the Student Conduct Process.

# **Student Conduct Process:**

- Information about the Student Conduct Process (SCP) can be found at <a href="http://go.depaul.edu/scprocess">http://go.depaul.edu/scprocess</a>
- A survivor may serve as the complainant or as a witness in the SCP.
- The survivor and referred student are allowed to have an advisor of their choosing, including an attorney, throughout the SCP.
- DePaul prohibits retaliation against anyone raising complaints or participating in a process under Title IX.
- DePaul uses a "more likely than not" standard in its SCP to determine if a violation occurred.
- Sanctions imposed may include probation, no contact restrictions, suspension or dismissal.
- All employees who respond to sexual and relationship violence and participate in making policy determinations through the SCP regarding incidents of sexual and relationship violence have undergone appropriate training on an annual basis.
- At the conclusion of the SCP, both parties are simultaneously notified in writing of the outcome, appeal rights, if any changes are made to an outcome, and when an outcome is final.

# **Right to Request Interim Measures:**

The Title IX coordinator can assist in obtaining interim protective measures and accommodations for individuals involved in reports of sexual and relationship violence when requested and reasonably available, including changes to academic, living, dining, working and transportation situations. Such options are available regardless of whether a survivor reports to local law enforcement or pursues internal disciplinary options.

# Medical, Legal and Law Enforcement Information

# **Off-campus Reporting**

# 24 - Hour Chicago Rape Crisis Hotline:

1-888-293-2080

(assistance identifying a sexual assault crisis center and advocacy)

# 24 - Hour Chicago Domestic Violence Help

1-877-863-6338

(assistance identifying a domestic violence shelter and advocacy)

# **Chicago Police Department**

911 (emergency)

311 (non-emergency)

More information about other on-campus confidential reporting resources can be found at http://go.depaul.edu/srv.

# To best preserve evidence of an assault, survivors are encouraged to:

- Avoid showering/bathing, changing clothes, washing hands, going to the toilet or brushing
- Save each item of clothing worn at the time of the assault in separate paper bags, if clothing is changed
- Avoid disturbing anything in the area where the assault occurred
- Save any text messages, social networking pages and other communications

#### Advocate Illinois Masonic Medical Center

www.advocatehealth.com/immc/ 836 W Wellington Ave Chicago, IL 60657 773-975-1600

#### Apna Ghar Inc

www.apnaghar.org/ 4350 N Broadway St. Chicago, IL 60613 (773) 334-4663

## Arab-American Family Services

www.arabamericanfamilyservices.org 9044 S Octavia Ave. Bridgeview, IL 60455 (708) 599-2237

#### A Safe Place

www.asafeplaceforhelp.org/ 2710 17th St. Zion, IL 60099 847-731-7165 24-Hour Crisis Line: 847-249-4450

#### Between Friends

www.betweenfriendschicago.org/ LPC: 773-325-7777 Loop: 312-362-8400 312-362-8066

#### **Campus Ministry**

go.depaul.edu/ministry LPC: 2250 N. Sheffield Ave, Suite 311 Chicago, IL 60614 773-325-7902 Loop: 1 E Jackson Blvd., rooms 11008-11010 Chicago, IL 60604 312-362-6699

# Center on Halsted (LGBT & STD Testing Services)

www.centeronhalsted.org/ 3656 N. Halsted St. Chicago, IL 60613 773-472-6469

# Connections for Abused Women and Their Children (CAWC)

www.cawc.org/ 1116 N. Kedzie Ave Chicago, IL 60651 24-Hour Crisis Line: 773-278-4566 773-489-9081 (TTY)

#### **Cook County Circuit Court**

www.cookcountyclerkofcourt.org 555 W Harrison St., Chicago

#### Crisis Hotlines

24-Hour Chicago Rape Crisis Hotline: 1-888-293- 2080 24-Hour Sarah's Inn Domestic Violence Crisis Line: 708-386-4225 24-Hour City of Chicago Domestic Violence Help Line: 1-877-863-6338 24-Hour Spanish Speaking Domestic Violence Hotline: 312-738-5358

#### Dean of Students Office

go.depaul.edu/dos Lincoln Park 2250 N. Sheffield Ave., Suite 307 Chicago, IL 60614

dos@depaul.edu 773-325-7290

#### Employee Assistance Program (Counseling and Resources for DePaul staff only)

1-800-456-6327

#### LGBTQA Student Services

go.depaul.edu/LGBTQA LPC: 1036 W. Belden Ave., 3rd floor Chicago, IL 60614 773-325-7325

## Life Span Center for Legal Services & Advocacy

Life-span.org 312-408-1210

#### Mujeres Latinas En Accion

http://www.mujereslatinasenaccion.org/ Home/programs/sexual-assault-program 2124 W. 21st Place Chicago, IL 60608 773-890-7676 (office)

# Neopolitan Lighthouse

www.neopolitanlighthouse.org 24-Hour Crisis Line: 773-722-0005 773-638-0228 (TTY)

#### **Porchlight Counseling Services**

www.porchlightcounseling.org/ Multiple Chicagoland Counseling Locations 773-750-7077

# Public Safety (24x7 for all emergencies)

publicsafety.depaul.edu LPC: 773-325-7777 Loop: 312-362-8400 312-362-8066

# Rape Victim Advocates (Free Counseling and Legal Advocacy)

www.rapevictimadvocates.org/ 180 N. Michigan Ave., Suite 600 Chicago, IL 60601 312-443-9603

#### Survivor Support Advocates

go.depaul.edu/hpw Office of Health Promotion & Wellness 2250 N. Sheffield Ave., Suite 302 Chicago, IL 60614 773-325-7129

#### **University Counseling Services**

studentaffairs.depaul.edu/ucs/ LPC: 2250 N. Sheffield Ave., Suite 350 Chicago, IL 60614 773-325-7779

Loop: 25 E. Jackson Blvd., Suite 1465 Chicago, IL 60604 312-362-6923

#### YWCA Metropolitan Chicago -Loop (Free Counseling and Legal Advocacy)

www.ywcachicago.org 1 N. LaSalle St., Suite 1150 Chicago, IL 60602 312-372-6600



# EXHIBIT E

Program Date	Name Audience	Attendance
2017	Virtual Student Orientation for Transfer Students   Students	2505
2017		3595
2017	New Employee Orientation Staff	215
2017	New Faculty Orientation: Policy and Reporting Responsibilities Faculty	~40
2017	General Compliance Training Student employees	, ~7200
	Faculty, Staff	
Winter 2017	Bulletin Board: Sexual Health 101 Students	N/A
Winter 2017	Bulletin Board: Keep It 100 Students	N/A
Winter 2017	Bulletin Board: Cover All Your Bases Students	N/A
Winter 2017	Bulletin Board: Healthy Relationship Goals Students	N/A
Winter 2017	Bulletin Board: Level Up? Students	N/A
Winter 2017	Bulletin Board: Sexual Assault Awareness Students	N/A
Winter 2017	Bulletin Board: Healthy Relationships 101 Students	N/A
Winter 2017	Bulletin Board: Are Your Relationships Healthy?  Students	N/A
Winter 2017	Bulletin Board: The Bachelor Students	N/A
Winter 2017	Bulletin Board: Stepping Up 2 Sexual Assault Students	N/A
Winter 2017	Bulletin Board: It's A No From Me, Dawg Students	N/A
Winter 2017	Marketing Campaign: Inclusive Language Posters Students	N/A
Winter 2017	Marketing Campaign: You're Invited Campaign Students	N/A
Winter 2017	Event: Global Coffee Hour: Healthy Relationships Students	15
Winter 2017	Event: The Mask you live in Students	7
Winter 2017	Event: Hunting Ground Night Students	6
Winter 2017	Event/Tabling: Red Flags, Pizza, and Conversation Students	25
Winter 2017	Event/Tabling: Safe Space Debrief Students	4
Winter 2017	Event/Tabling: CFH Goes to Vagina Monologues Students	13
Winter 2017	Event/Tabling: Self Defense Students	6
Winter 2017	Event/Tabling: V Day the Safe Way Students	25
Winter 2017	Event/Tabling: Healthy Relationship Workshop Students	8
Winter 2017	Event/Tabling: None For You Glen Coco Students	26
Winter 2017	Event/Tabling: Know Your Rights Students	1
Winter 2017	Event/Tabling: Door to Door Domestic Violence Students	83
Winter 2017	Event/Tabling: Day of Love and Friendship Students	25
Winter 2017	Event/Tabling: Paris is Burning Students	1
Winter 2017	Event/Tabling: Taco Bout Sex Students	16
Winter 2017	Event/Tabling: Tabling with Emily Students	76
Winter 2017	Event/Tabling: How to Report Students	21
Winter 2017	Event/Tabling: You Are Beautiful Students	150
Winter 2017	Training: Bystander Intervention Training Students	27
Winter 2017	Training: Sexual Assault 101 Students	10
Winter 2017	Training: Escalation Students	21
Winter 2017	Training: Conduct Process Advisor Training Faculty, Staff	5
Winter 2017	Training: Orienation Presentation, Sexual Assault and Prevention:  Students	50
Winter 2017	What you need to know  Training: How to help a friend who has experienced sexual assault  Students	51
Winter 2017 Winter 2017	Training: Trauma-Informed Response Staff	10
Winter 2017 Winter 2017	Training: Student Staff Training (RAs)  Student employees	
		I / .
Spring 2017	Bulletin Board: Sidewalk Chalk and Sexual Assault  Students	N/A
Spring 2017	Bulletin Board: Asking for Consent Students	N/A
Spring 2017	Bulletin Board: SAAM Students	N/A
Spring 2017	3 Bulletin Boards: Sexual Assault Awareness Students	N/A
Spring 2017	Bulletin Board: Gender Unicorn Students	N/A
Spring 2017	Bulletin Board: Bystander Intervention Students	N/A
Spring 2017	Bulletin Board: However You Dress, Wherever You Go Students	N/A
Spring 2017	Bulletin Board: Consent Students	N/A
Spring 2017	Bulletin Board: It Happens To Us Too Students	N/A

Program Date	Name	Audience	Attendance
Spring 2017	Bulletin Board: Take Care of Yourself	Students	N/A
Spring 2017	Bulletin Board: Consent is Mandatory	Students	N/A
Spring 2017	Bulletin Board: 8 Ways to Prevent Sexual Violence	Students	N/A
Spring 2017	Bulletin Board: Staying Safe Online	Students	N/A
Spring 2017	Marketing Campaign: Sexual Awareness Door Hangers	Students	N/A
Spring 2017	Marketing Campaign: Consent Fries	Students	N/A
Spring 2017	2 Events: Toxic Masculinity Workshop	Students	25
Spring 2017	Event: The Mask You Live In (Sexual Assault Awareness Month)	Students	16
Spring 2017	Event: Supporting Survivors of Sexual Violence (Sexual Assault Awareness Month)	Staff	20
Spring 2017	Event: Sigma Phi Epsilon Sexual Assault Awareness Month Program	Students	58
Spring 2017	Event: Healthy Relationships Program (Sexual Assault Awareness Month)	Students	13
Spring 2017	Event: Sex, Sin, and Spirtuality (Sexual Assault Awareness Month)	Students	12
Spring 2017	Event: Sexual Health Conversation (Sexual Assault Awareness Month)	Students	8
Spring 2017	Event/Tabling: Movie Night with HPW	Students	4
Spring 2017	Event/Tabling: Wrap It Up	Students	28
Spring 2017	Event/Tabling: Seton Sexual Assault Awareness Month	Students	12
Spring 2017	Event/Tabling: The Mask You Live In	Students	4
Spring 2017	Event/Tabling: Ted Talk Back: Domestic Violence and Sexual Assault	Students	10
Spring 2017	Event/Tabling: Lambdas Talk Sexual Assault	Students	3
Spring 2017	Event/Tabling: Sexual Assault Awareness Month Door to Door	Students	83
Spring 2017	Event/Tabling: Privilege Talk Back	Students	10
Spring 2017	Event/Tabling: CFH Stands in Solidarity with Sexual Assault Victims	Students	35
Spring 2017	Event/Tabling: Men and Sexual Assault	Students	30
Spring 2017	Event/Tabling: Who Am I?	Students	5
Spring 2017 Spring 2017	3 Tables: Sexual Assault Awareness Month Tables	Students	26
Spring 2017 Spring 2017	2 Trainings: Bystander Intervention Training	Students	24
Spring 2017 Spring 2017	Training: Dystander Intervention Training  Training: International Student Orientation Presentation, Sexual Assault and Prevention:	Students	30
	What you need to know		
Spring 2017	Training: Chicago Quarter Mentors and Staff Responsible Employee Training	Staff, Student employees	40
Spring 2017	Training: Responsible Student Employee Training	Student employees	25
Spring 2017	2 Trainings: Sexual Assault 101	Students	75
Summer 2017	Training: Responsible Student Employee Training	Student employees	35
Summer 2017	3 Trainings: Bystander Intervention Training	Students	33
Summer 2017	Training: International Student Orientation Presentation, Sexual Assault and Prevention: What you need to know	Students	15
Summer 2017	Training: Sexual Assault 101	Students	8
Summer 2017	Training: Secalation	Students	8
Summer 2017	Orientation: 13 Premiere DePaul Sessions for First Year Students	Students	2554
2017	CHANNELLY 15 THE PART OF THE TOTAL CHANNEL	Students	1200.
Fall 2017	Bulletin Board: What is Title IX?	Students	N/A
Fall 2017	Bulletin Board: Halloween Horrors (and how to protect yourself from them)	Students	N/A
Fall 2017	Bulletin Board: NCA-Domestic Violence	Students	N/A
Fall 2017	Marketing Campaign: Procedures, Policies, How To Report Signage	Students	N/A
Fall 2017	Marketing Campaign: Stop Hand Harassment Posters	Students	N/A
Fall 2017	Marketing Campaign: Gender Pronouns	Students	N/A
Fall 2017	Marketing Campaign: Take Care DePaul	Students	N/A
Fall 2017	Event: Sex in the Dark	Students	24
Fall 2017	Event: The Hunting Ground	Students	76
Fall 2017	Event: Consent Workshop	Students	6
1'all 201/	•	Faculty	N/A
	Event/Tabling: New Adjunct Faculty		
Fall 2017	Event/Tabling: New Adjunct Faculty  Event/Tabling: Domestic Violence Movie Screening and Discussion	Students	
Fall 2017 Fall 2017	Event/Tabling: Domestic Violence Movie Screening and Discussion	Students	24
Fall 2017 Fall 2017 Fall 2017	Event/Tabling: Domestic Violence Movie Screening and Discussion Event/Tabling: Lemonade Talkback	Students Students	
Fall 2017 Fall 2017	Event/Tabling: Domestic Violence Movie Screening and Discussion	Students	24 5

Program Date	Name	Audience	Attendance
Fall 2017	Event/Tabling: Internet Safety	Students	47
Fall 2017	Training: Student Athlete Orientation	Students	195
Fall 2017	Training: Bystander Intervention	Students	15
Fall 2017	4 Trainings: Sexual Assault 101	Students	93
Fall 2017	2 Trainings: Escalation	Students	56
Fall 2017	4 Trainings: Bystander Intervention Training	Students	54
Fall 2017	Training: Policy, Prevention and Reporting for Athletics	Staff	85
Fall 2017	Training: Modern Languages: Policy and Reporting Responsibilities	Faculty, Staff	14
Fall 2017	Training: Professional Staff Training	Staff	10
Fall 2017	Training: Student Responsible Employee Training (RAs)	Student employees	57
Fall 2017	Training: Behind Closed Doors Training (RAs)	Student employees	57
Fall 2017	Training: Crisis Response, Restorative Justice, and Conflict Resolution Training (RAs)	Student employees	57
Fall 2017	Training: Mandatory Floor Meetings (Discover Move In)	Students	893
Fall 2017	Training: Mandatory Floor Meetings (General Move In)	Students	1255
Fall 2017	Training: Chicago Quarter Module	Students	2500
Fall 2017	Training: Haven Online Module	Students	2357
Fall 2017	Annual Community Email	Students, Faculty,	26,388
		Staff	