



**KWAME RAOUL**  
ILLINOIS ATTORNEY GENERAL

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

*Instructions*

As a higher education institution in Illinois, your school must provide an annual report with data and information related to the implementation of the Preventing Sexual Violence in Higher Education Act (Act). The 2019 report covers data and information concerning the preceding calendar year (January 1 – December 31, 2018). Your report is due to the Illinois Department of Human Rights and the Illinois Attorney General's Office by November 1, 2019. *See* 110 ILCS 205/9.21(b).

This form provides guidance for reporting to the Illinois Attorney General's Office. Schools may, but are not required to, use this form for their report. A complete report must include the documents identified in Part A and the data requested in Part B. Part C provides space, if desired, for your school to include information to explain, contextualize or clarify data or information provided in Parts A and B. Your school may submit its Annual Security & Fire Safety Report (i.e., Clery Act Report) and, if necessary, supplement it with additional data and information to fulfill the Preventing Sexual Violence in Higher Education Act's reporting requirements.

If your institution fails to submit a report, or submits an incomplete report, it will be listed on the Illinois Attorney General's website as an institution that is not in compliance with the Act.

For more information regarding the reporting requirements, please read the Frequently Asked Questions Regarding the Act's Reporting Requirements, which you can find on the Illinois Attorney General's website at <http://www.illinoisattorneygeneral.gov/rights/civilrights.html>.

# Preventing Sexual Violence in Higher Education Act Annual Report

## Form

Name of Higher Education Institution: Loyola University Chicago  
 Campus (if applicable): Lake Shore, Water Tower, Health Sciences, LUREC, Cuneo  
 Completed By/Primary Contact: Courtney Bilbrey, Assistant Dean of Students; Title IX Deputy Coordinator  
 Address: 1032 W Loyola, Damen 300, Chicago IL 60626  
 Phone Number: 773-508-8834 Email Address: cbilbrey@luc.edu

### PART A

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

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

### PART B

#### I. Campus Training, Education and Awareness

##### A. Student Primary Prevention Programming

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

Program name	Type/description	Date(s)	Location(s)	Target audience	Number of attendees
	See Part B (I) (A)				

B. Employee Training (*optional*)

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

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

II. Reports

Identify the total number of reports made to the following groups of individuals in the 2018 calendar year. If a higher education institution is aware that a student reported an incident more than once, it may provide an explanation for this or any other additional information regarding its reports in Part C below. *See* 110 ILCS 155/25 and 110 ILCS 205/9.21(b).

	<b>Reports to the Title IX coordinator/responsible employees</b>	<b>Reports to confidential and anonymous resources</b>
<b>Sexual violence</b>	See Part B (II)	
<b>Domestic violence</b>		
<b>Dating violence</b>		
<b>Stalking</b>		

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

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

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

**B. Complaint Resolution Procedure Outcomes**

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

	<b>Found not responsible for violation of comprehensive policy</b>	<b>Dismissed/expelled</b>	<b>Suspended</b>	<b>Otherwise disciplined</b>
<b>Sexual violence</b>	See Part B (II) (B)			
<b>Domestic violence</b>				
<b>Dating violence</b>				
<b>Stalking</b>				

**PART C**

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

See notes within each section of Part B

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Submit completed reports via mail or email to the addresses below by **November 1, 2019**:

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

# Part A

## Comprehensive Policy

**Loyola University Chicago**

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

Published September 19, 2019

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

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## I. Rationale for a Comprehensive Policy

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

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

## II. Applicable Scope and Key Terminology

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

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

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

An **Advisor** is a person who may accompany an affected party/complainant or a respondent throughout an investigation and/or administrative resolution process to provide support. Advisors are strictly optional, and the individuals who may serve as advisors may be governed by other policies. The choice of whether or not to utilize an advisor, where applicable, is up to each individual party.

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

An **affected party** is a member of the University community (student, faculty employee, or staff employee) who allegedly has been harmed by misconduct under the Comprehensive Policy. Affected parties are eligible to request support and resources and/or pursue an informal or formal resolution pathway.

**Assigned outcomes** (also known as “sanctions” or “disciplinary actions”) are individual consequences assigned to a respondent during the administrative resolution following a finding of responsibility.

A **complainant** is an affected party who has chosen to initiate a formal complaint against a respondent.

**Equitable resolution procedures (“ERP”)** refers to the informal and formal resolution pathways by which the University resolves allegations of misconduct under the Comprehensive Policy.

**ERP administrators** are University staff members who have some professional role in the administration of the ERP.

A **finding** is a determination made at the conclusion of an investigation as to whether or not the alleged violation has been substantiated under the preponderance of the evidence standard. A finding of either “responsible” or “not responsible” is assigned to each alleged policy violation individually.

A **formal complaint** (or “complaint”) is a resolution pathway that involves an investigation and, when applicable, administrative resolution resulting in assigned outcomes.

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

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

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

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

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

**Reasonable cause** is a low evidentiary threshold indicating that it is reasonable, based on reported facts, to believe that the Comprehensive Policy may have been violated. This is the standard applied during the preliminary inquiry, to assess whether a report may be addressed under the informal or formal pathways of the ERP.

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

**Resolution pathways** refer to the two distinct categories of available ERP processes by which the University may resolve alleged violations of the Comprehensive Policy – informal resolutions and formal complaints.

A **respondent** is a person who has allegedly engaged in misconduct in violation of the Comprehensive Policy.

**Student-facing** describes any faculty, staff, or other employees of the University who interact regularly with students in the course of their work.

### III. Title IX and the Comprehensive Policy

Title IX of the Educational Amendments of 1972 ("Title IX") explicitly prohibits sex-based discrimination by any institution of higher education that receives federal funds (which includes Loyola). Under the scope of this federal law and related federal and state laws, such as the Illinois Preventing Sexual Violence in Higher Education Act, Loyola must adhere to specific regulations regarding how to address reports of sexual harassment, sexual assault, dating and domestic violence, stalking, and other sex- or gender-based misconduct.

Under Title IX (and its implementing regulation, 34 C.F.R. 106), any educational institution receiving federal financial assistance must designate a "Title IX Coordinator" to carry out the institution's obligations under Title IX. At Loyola, the Executive Director for Equity & Compliance ("EDEC") serves as the Title IX Coordinator and oversees implementation of the Comprehensive Policy. The EDEC heads the Office for Equity & Compliance and acts with independence and authority free from bias or conflicts of interest. The EDEC oversees all resolutions under the Comprehensive Policy and ensures that all University representatives act with objectivity and impartiality and are assessed with respect to conflicts of interest and/or potential bias. The EDEC is assisted in this work by a Title IX Deputy Coordinator, who primarily (though not exclusively) works with related student matters.

Inquiries about Title IX as implemented at Loyola, or reports of any violation of the Comprehensive Policy may be directed internally to:

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

Courtney Bilbrey  
Assistant Dean of Students & Title IX Deputy Coordinator (for students)  
Office of the Dean of Students  
Damen Student Center 3<sup>rd</sup> Floor, 6511 N. Sheridan Rd., Chicago, IL 60626  
office (773) 508-8840  
direct (773) 508-8834  
[cbilbrey@luc.edu](mailto:cbilbrey@luc.edu)  
[www.luc.edu/dos](http://www.luc.edu/dos)

Inquiries may be made externally to:

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

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

Equal Employment Opportunity Commission (EEOC)  
Chicago District Office

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

Loyola is fully compliant with Title IX and related laws and regulations, but considers them to be a minimum standard for ensuring a safe and inclusive University environment. Accordingly, Loyola reserves the right to utilize the ERP to address any allegation of sexual misconduct, even if the alleged conduct does not meet specific federal definitions for sexual harassment or if the conduct occurs off-campus. In cases where the EDEC determines that Title IX is not applicable, but the University still intends to apply this Comprehensive Policy to resolve the alleged misconduct, the EDEC will inform the parties that Title IX is inapplicable but that University policies and procedures will nevertheless be applied.

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

## IV. The Office for Equity & Compliance

In January 2019, the University created the Office for Equity & Compliance ("OEC") to centralize and coordinate University-wide compliance with Title IX and other equity-based federal and state laws and regulations. The EDEC is the director of the OEC, whose staff includes full-time, professional investigators.

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

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

## V. Jurisdiction

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

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

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

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

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

## VI. University Nondiscrimination Policy

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

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

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

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

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

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

If you have questions about disability discrimination or believe you have been discriminated against based on disability, please contact Tim Love, Executive Director for Equity & Compliance, or another member of the Office

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

for Equity & Compliance, at (773) 508-7766 or [equity@luc.edu](mailto:equity@luc.edu), and/or you may submit a report online at [www.luc.edu/equity](http://www.luc.edu/equity).

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

### *1. Accommodations for Students with Disabilities*

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

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

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

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

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

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

## VII. Prohibited Conduct

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

Unless otherwise indicated, all definitions provided below are as applied for the purposes of this Comprehensive Policy, and may differ from definitions used by law enforcement and/or courts for criminal, civil, or other legal purposes, including Clery Act reporting (see Article 2, subsection X.A.). Illustrative examples and additional information may be found at [www.luc.edu/equity](http://www.luc.edu/equity).

### A. Discrimination

Discrimination is defined as the unjust or preferential treatment of another wholly or partially because of the person's membership in a protected class (see, *Section VI. Nondiscrimination Policy*, above). When brought to the attention of the University, any such discrimination will be appropriately addressed and remedied by the University according to the ERP. Assigned outcomes for discrimination and the other forms of discriminatory misconduct may range from warning through expulsion (for students) or termination of employment (for faculty and staff employees).



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

### ***1. Abusive Conduct***

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

### ***2. Bullying***

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

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

Discriminatory harassment is defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community. Loyola will remedy any form of discriminatory harassment when reported, whether or not the behavior rises to the level of creating a hostile environment. A hostile environment is one that unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. When discriminatory harassment is so severe, persistent, or pervasive that it creates a hostile environment for any individual or group, Loyola may also impose assigned outcomes on the responsible party through application of the ERP.

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

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

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

Loyola is committed to making reasonable accommodations for qualified individuals with disabilities, in compliance with applicable state and federal disability laws (see, *Section VI.A. Information Specific to Disability Discrimination and Accommodations*). Any individual who has followed the proper University procedures but believes they have not been accommodated as required by law may report the matter to the OEC for investigation.

### ***6. Hazing***

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

### ***7. Intimidation***

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

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

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

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

## B. Sexual Misconduct

Consistent with our mission and identity, the University maintains the highest standards for respectful sexual interactions between consenting individuals. Therefore, although Illinois law also defines various violent and/or non-consensual sexual acts as crimes<sup>3</sup>, for the purposes of this Comprehensive Policy, Loyola applies its own definitions and standards for the various ways in which sexual and/or gender-based misconduct are prohibited.

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

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

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

Non-consensual sexual penetration is defined as:

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

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

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

Non-consensual sexual contact is defined as:

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

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

### 3. *Sexual Harassment*

Sexual harassment is broadly defined as:

- unwelcome
- sexual, sex-based, and/or gender-based,
- verbal, written, online and/or physical conduct.

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<sup>3</sup> In Illinois, criminal sexual assault is defined as follows: "A person commits criminal sexual assault if that person commits an act of sexual penetration and (a) uses force or threat of force; (b) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (c) is a family member of the victim, and the victim is under 18 years of age; or (d) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age" (720 ILCS 5/11-1.20). This definition is applicable to criminal prosecutions for criminal sexual assault in Illinois; however, this definition differs from the language used by Loyola to address violations of the Comprehensive Policy. The Comprehensive Policy does not refer explicitly to rape, sexual assault, or sexual battery.

Education, training, and/or other interventions may be mandated upon any report of sexual harassment in any Loyola program. Allegations of *quid pro quo* harassment, hostile environment, and/or retaliatory harassment may also result in assigned outcomes when substantiated.

a. *Quid Pro Quo* Sexual Harassment

*Quid pro quo* sexual harassment is defined as:

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

b. Hostile Environment Sexual Harassment

A hostile environment is created when sexual harassment is:

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

Unwelcomeness and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances.

#### 4. *Sexual Exploitation*

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

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of all persons observed).
- Taking pictures or video or audio recording another in a sexual act or in other private activity without the consent of all involved, or exceeding the boundaries of consent (such as disseminating otherwise consensual sexual pictures without the photographed person's consent).
- Prostitution of oneself or others.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease or infection without first disclosing the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without the other person's knowledge or consent and with the intent of taking sexual advantage of them.
- Exposing one's genitals ("flashing") in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation in some cases.

#### 5. *Intimate Partner and/or Domestic Violence*

Intimate partner and/or domestic violence ("IP/DV") is defined as any act of violence or threatened act of violence against someone in a past or present intimate, familial, or household relationship, including violence that occurs between roommates. Acts of violence may include, but are not limited to, physical violence, emotional abuse, economic abuse, property damage, and other forms of sexual violence. IP/DV may consist of one act of misconduct or an ongoing pattern of behavior.<sup>4</sup>

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<sup>4</sup> In Illinois, a person commits domestic battery if the person knowingly and without justification "causes bodily harm to any family or household member [or] makes physical contact of an insulting or provoking nature with any family or household

## 6. Stalking

Stalking<sup>5</sup> is defined as an unwanted course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others or to suffer substantial emotional distress. Though stalking is usually considered to be a gender-based offense, stalking is prohibited even when the affected party was targeted because of membership in a different protected class or was targeted for some other reason.

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

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

The following concepts are integral to understanding this Comprehensive Policy.

### a. Consent

Consent<sup>6</sup> is freely given, mutually understandable permission to engage in a specific sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consents to that specific sexual conduct. Neither silence nor the absence of resistance convey consent. Consent also cannot be gained by force or coercion, and an individual who is incapacitated cannot give consent.

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

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

### b. Force

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

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*member.*" (720 ILCS 5/11-1.70). This definition is applicable to criminal prosecutions and Clery reporting in Illinois; however, it differs from the language used by Loyola to address violations of the Comprehensive Policy.

<sup>5</sup> In Illinois, "A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress." (720 ILCS 12-7.3). This definition is applicable to criminal prosecutions and Clery reporting in Illinois; however, it differs from the language used by Loyola to address violations of the Comprehensive Policy.

<sup>6</sup> In Illinois, consent is defined as follows: "a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent." Additionally, a "person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct" (720 ILCS 5/11-1.70). This definition is applicable to criminal prosecutions in Illinois; however, this definition differs from the language used by Loyola to address violations of the Comprehensive Policy.

### c. Coercion

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

### d. Incapacitation

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

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

Under Illinois law<sup>7</sup>, a minor (meaning a person under 17 years old) does not have the capacity to consent to sexual activity under any circumstances. This means that any sexual activity with a person under 17 is both a crime and a violation of the Comprehensive Policy, even if the minor wanted to engage in the activity.

## C. Retaliation

Retaliation is defined as any adverse action (including but not limited to retaliatory harassment, threats, vandalism, or other harmful behavior) taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for reporting an incident, supporting an affected party, assisting in providing information relevant to a report, or otherwise participating in the ERP is a serious violation of the Comprehensive Policy and treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the EDEC and will be promptly investigated. Interim measures may also be available to proactively protect individuals who fear that they may be subjected to retaliation.

## VIII. Reporting Incidents of Discrimination, Sexual Misconduct, or Retaliation

Loyola encourages anyone who experiences misconduct under these policies to come forward and report, so that the University may take appropriate steps to promptly stop, prevent, and remedy any violation of the Comprehensive Policy. The University recognizes the privacy and sensitivity of such reports, and only shares information internally on a need-to-know basis when necessary to effectively respond to the report. The University also understands that for various reasons an affected party may prefer to report anonymously or to share only limited information. To ensure that accurate information and resources are provided in a timely and consistent manner, the following policies apply University-wide.

### A. Reporting Options

Reports of discrimination, sexual misconduct, and/or retaliation by any University student, faculty employee, or staff employee may be made using any of the following options. There is no time limitation on reporting

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<sup>7</sup> In Illinois, a person commits criminal sexual abuse (or other related crime) who, “commits an act of sexual penetration or sexual conduct with a victim who was...under 17 years of age...” (720 ILCS 5/12-15). This definition is applicable to criminal prosecutions in Illinois; however, this definition differs from the language used by Loyola to address violations of the Comprehensive Policy.

allegations. However, if the respondent is no longer subject to the University's jurisdiction or if substantial time has passed since the underlying incident occurred, the University's ability to investigate, respond, and/or provide remedies may be limited.

1. **(PREFERRED OPTION)** Report concerns about any student, faculty employee, or staff employee, using the publicly available online reporting form available at [www.luc.edu/equity](http://www.luc.edu/equity).
2. Report directly to any staff member of the OEC, by phone at 773.508.7766 or in person in Granada Center, Suite 403 (Lakeshore Campus).
3. *(For concerns about a student only)* Report to the Office of the Dean of Students.
4. *(For concerns about a faculty or staff employee only)* Report to the employee's supervisor directly, who will report the matter to the OEC.

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

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

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

## B. Anonymous Reporting

Students, employees, and third parties may report an incident anonymously using the online reporting form posted at [www.luc.edu/equity](http://www.luc.edu/equity). Depending on the nature of the anonymous report and the information provided, anonymous reports may still prompt the University to investigate; however, it should be noted that the University's ability to respond thoroughly to anonymous reports may be limited.

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

With very limited exceptions (see subsections 1 and 2, below), **all student-facing Loyola faculty and staff employees must report any reported, suspected, witnessed, or disclosed sexual misconduct of any kind against any student or minor<sup>8</sup> (regardless of where or when the misconduct took place) to the OEC within 24 hours of becoming aware of the matter.** Faculty and staff employees and others with such a duty are referred to as "responsible campus partners." In order not to betray the trust of any student or other affected party, responsible campus partners should be forthright and transparent about this obligation at all times.

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

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

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<sup>8</sup> "Students and minors" here includes guests or visitors under 17 years of age at any University-sponsored or affiliated program – including camps, community programs, and special events. All student-facing faculty and staff employees are also mandatory reporters of child abuse and neglect under Illinois' Abused and Neglected Child Reporting Act (325 ILCS 5, Section 4).

## 1. *Exceptions to the Obligation to Report*

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

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

- Licensed professional counselors and staff
- Health service providers and staff
- Catholic priests (only when offering the Sacrament of Reconciliation/“confession”) and other pastoral counselors<sup>9</sup>

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

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

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

## 2. *Safe Haven Programs*

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

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

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

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<sup>9</sup> “Pastoral counselor” here refers to a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

## IX. The University's Initial Response to Reports

Unless a report is anonymous, upon receiving a report of alleged discrimination, harassment, or retaliation, a representative of the OEC (or DOS for students) first reaches out to the reporter (and affected party, if different from the reporter) to offer resources and information relevant to the reported circumstances. Such resources are available to any reporter and/or affected party regardless of whether or not they pursue any informal or formal resolution under the ERP.

### A. The Preliminary Inquiry and Balancing Individual and Community Interests

In addition to reaching out to offer support and resources to the reporter and/or affected party, the EDEC or Assistant Dean of Students & Title IX Deputy Coordinator conducts a preliminary inquiry of all incoming reports. The purpose of the preliminary inquiry is two-fold: (a) to determine if there is reasonable cause to suggest the Comprehensive Policy may have been violated; and (b) to assess whether heightened risk factors may be present (see Article 2, subsection II.B.). However, when no heightened risk factors are suggested, then the University is largely deferential to the wishes of the affected party as to whether or not to initiate any formal or informal resolution processes under the ERP.

Absent heightened risk factors, if the reporting/affected party does not follow up, declines University assistance or intervention, wishes to receive information or interim measures only, or otherwise declines to proceed with the ERP, then the OEC documents and closes the report without further action (the affected party retains the right to revisit the case at a later date).

If, however, the affected party requests informal or formal University intervention or if the EDEC determines that heightened risk factors are present, then the report may proceed to informal or formal resolution processes under *Article 2. Equitable Resolution Procedures for Reports of Discrimination, Sexual Misconduct, and Retaliation*, below.

### B. Interim Measures

When applicable, Loyola may offer and/or implement appropriate and reasonable interim measures for reporters, affected parties, respondents, and/or witnesses in response to a report of alleged discrimination, sexual misconduct, or retaliation. Interim measures are intended to support the complainant, respondent, and larger University community; protect and preserve access to educational and/or employment programs and activities; address the short-term effects of allegations of misconduct; protect the safety of all parties; and prevent future harm and/or violations.

Interim measures may include, but are not limited to:

- Referral to counseling, medical, advocacy, and/or other health services
- Referral to the Employee Assistance Program (for employees)
- Advocating to faculty for adjustments to academic deadlines, course schedules, etc.
- Student financial aid counseling
- Education to the community or community subgroup
- Altering campus housing situation
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing transportation/parking assistance
- Implementing contact limitations (No Contact Directives) between the parties
- Referral for academic support
- Referral for visa or immigration assistance

The University treats interim measures as private, provided that privacy does not impair the University's ability to implement the interim measures. Interim measures are provided at no cost to parties.



Among such measures, the University may place interim limits or restrictions on a student or registered student organization, or place an employee on paid or unpaid administrative leave, pending the complete resolution of a case when, in the judgment of the EDEC, the safety or well-being of any member of the University community may be jeopardized by the continued presence or activity of the respondent. During an interim limitation/restriction, a student or employee may have limited or no access to any or all of the following: University housing; campuses (or parts of campuses); specific facilities; and/or University academic offerings, social activities, programs, or events. The University may implement such measures if, after engaging in an individualized analysis, the University determines that the immediate threat to any member(s) of the University's community justifies interim limitations upon an individual or organization.

In all cases in which an interim measure limits or restricts an individual or registered student organization, the restricted individual (or two representatives from the registered student organization) may request to meet with the EDEC prior to the limitation/restriction being imposed or as soon thereafter as reasonably possible, to demonstrate why the limitation/restriction should not be implemented or should be modified. This meeting is not a hearing or review of the merits of any underlying allegation(s); rather it is an administrative process intended to determine whether the interim limitation/restriction is appropriate. The EDEC maintains the discretion to implement or stay such a limitation/restriction and/or to modify conditions and duration, in consultation with other stakeholders as needed.

The University strives to use the least restrictive means necessary when determining such measures, to ensure the continued safety and health of all parties and the University community while mitigating any adverse academic or employment impact on the parties. The University attempts to implement interim measures that do not unreasonably burden the other party and may re-evaluate the measures at any time to determine their ongoing necessity. Violation of any interim measure issued under the Comprehensive Policy may be grounds for additional informal or formal intervention, including additional discipline that could result in expulsion or termination.

### C. Federal Timely Warning Obligations

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

### D. False Allegations

Deliberately false and/or malicious accusations under the Comprehensive Policy – as opposed to allegations which, even if erroneous, are made in good faith – are a serious offense and may subject the offender to appropriate disciplinary action.

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

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

## X. Privacy and Records

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

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

Parties themselves retain the right to share their own experiences with others, but should exercise caution and care if they choose to discuss their experience outside of the ERP, as spreading inaccurate information intentionally or maliciously may constitute harassment, retaliation, or other violations.

The University may retain records of allegations, investigations, ERP proceedings, and associated communications and training materials for a minimum of seven years. Some records, such as expulsions or employee records, may be retained longer.

## A. Federal and State Statistical Reporting Obligations

Certain campus officials – those deemed "Campus Security Authorities" under the Clery Act – have a duty to report the following for federal statistical reporting purposes:

- All "primary crimes," which include all criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- VAWA-based crimes<sup>10</sup>, which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor related law violations, and drug abuse-related law violations.

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

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

## XI. Revision of the Comprehensive Policy

The University reserves the right to revise, update, or otherwise change this Comprehensive Policy at any time as necessary, and once the changes are posted online, they are in effect.

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

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<sup>10</sup> VAWA is the Violence Against Women Act, enacted in 1994 and codified in part at 42 U.S.C. 13701-14040.

## Article 2: Equitable Resolution Procedures for Allegations of Discrimination, Sexual Misconduct, and Retaliation

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The ERP, like the Comprehensive Policy generally, is intentionally broad in its scope and application, informed by the University's mission and values. Loyola may act on any informal or formal report of an alleged violation of the Comprehensive Policy that is received by the OEC. As described above, the University's initial response to such reports is oriented towards resourcing and supporting the affected party and assessing for any threat to the safety of the University community.

Following the preliminary inquiry, when an affected party requests that the University take action informally or formally against a respondent who is also a student, faculty, or staff member, the University employs the ERP to thoroughly, fairly, and impartially assess the available evidence and implement an appropriate response. When such action is determined by the EDEC to be necessary to ensure the safety of the University community, the University may also initiate a formal complaint irrespective of the participation of the affected party.

The ERP may also be used to address collateral misconduct arising from the investigation of, or occurring in conjunction with, reported violations of the Comprehensive Policy. However, reports of other misconduct that are unrelated to the Comprehensive Policy are instead referred elsewhere to be addressed under other University processes, such as the Community Standards (for students) and the Faculty Handbook and/or Employee Staff Handbook (for employees).

Regarding the ERP generally, the EDEC may approve minor modifications to ERP procedures that do not materially jeopardize the fairness owed to any party or conflict with rights provided under other University policies or agreements. The EDEC may also vary procedures materially with notice (on the University web site, with appropriate date of effect identified) upon determining that changes to law or regulation require alterations to these procedures.

### I. ERP Administrators

The ERP relies on various "ERP administrators" who implement its procedures. ERP administrators may serve in such a capacity based on their respective positions as described below. ERP administrators are trained annually in all aspects of the ERP, and may serve among the following roles at the direction of the EDEC, unless prohibited from doing so by law or other University policies or agreements:

- Provide appropriate intake for and initial guidance pertaining to allegations
- Act as advisors to involved parties
- Serve in a mediation or restorative justice role in conflict resolution
- Perform or assist with preliminary inquiries
- Investigate allegations
- Serve as administrative resolution officers
- Serve on appeal boards

ERP administrators, by institutional role, may include but are not limited to:

- Office for Equity & Compliance staff
- Office of the Dean of Students staff
- Office of Student Conduct & Conflict Resolution staff
- Human Resource Managers and senior HR staff
- College or Institute Deans and Department Chairs
- Vice Presidents/Director-level staff
- Certain Office of the Provost staff
- Certain Athletics staff

## A. Service of ERP Administrators

ERP administrators may serve in such a capacity by virtue of their other roles at the University (such as deans, vice presidents, and OEC staff). ERP administrators are to act with independence and impartiality. While ERP administrators are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the University may also designate permanent roles for specific individuals based on particular skills, aptitudes, talents, or positions, while using others as substitutes to avoid conflicts of interest when necessary.

## B. Training of ERP Administrators

ERP administrators receive annual training coordinated by the OEC and tailored as needed to the roles of specific ERP administrators. This training is designed to ensure the consistent application of the Comprehensive Policy and improve ERP administrators' understanding of relevant processes and concepts. All ERP administrators are trained annually, in compliance with applicable federal and state laws and regulations.

# II. General ERP Information

As described in Article 1, when an affected party reports alleged misconduct under the Comprehensive Policy by another member of the University community, the OEC begins with a prompt preliminary inquiry (a) to determine if there is reasonable cause to suggest the Comprehensive Policy may have been violated, and (b) to assess whether heightened risk factors may be present. Following this preliminary inquiry, the OEC works with the affected party to identify the most appropriate resolution pathway for the circumstances at hand, balancing the goals and wishes of the affected party and any compelling safety considerations.

The following information applies generally to all ERP processes, including informal resolutions and formal complaints.

## A. Choice of Resolution Pathway

When a preliminary inquiry shows that reasonable cause exists, a report may generally be resolved through either informal resolutions or by initiating a formal complaint. The distinctions between these two resolution pathways are discussed in detail below.

In determining eligibility for informal or formal resolution, the OEC considers various factors, including the affected party's wishes regarding how the reported misconduct should be addressed, the nature and severity of the reported misconduct, and the willingness of the respondent to acknowledge responsibility for causing harm. In some cases, several different informal resolutions may be available. For more information about informal resolution options, see *Section III* below.

An affected party who wishes for the University to investigate and adjudicate the matter formally is said to "initiate a complaint" and is thereafter referred to as the "complainant." An affected party who pursues an informal resolution may later change their mind and initiate a complaint, in consultation with the EDEC or designee.

## B. Circumstances that May Warrant a Formal Complaint without a Participating Complainant

The University, in its discretion, may initiate a formal complaint irrespective of the wishes and/or participation of the affected party when deemed necessary by the EDEC – such as when heightened risk factors may be present.

The decision of whether or not to initiate a formal complaint under such circumstances is at the discretion of the EDEC. When the University proceeds with a complaint irrespective of the wishes and/or participation of the affected party, all affected parties will be informed, and may individually choose whether or not to participate in the investigation and resolution, either as a complainant or as a witness.

## C. Discretion to Terminate the ERP at Any Time

Whether to pursue a resolution pathway and which pathway to engage is decided with strong consideration of the preferences of the affected party, but may ultimately be determined by the University. If, during the preliminary inquiry or at any point during the formal investigation, an ERP administrator (e.g., an assigned investigator) determines that reasonable cause does not support the conclusion that the Comprehensive Policy may have been violated, the University may end the process immediately and notify the parties.

Upon such a notification, an affected party may request that the EDEC review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the EDEC, but such a request will only be granted in extraordinary circumstances. The reasonable cause decision of the EDEC is not subject to appeal.

## D. Cross-Claims

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

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

## E. Advisors for Students

An advisor is a person who may accompany an affected party/complainant or a respondent throughout an investigation and/or administrative resolution process to provide support. Advisors are strictly optional, and the choice of whether or not to utilize an advisor is up to each individual party. Student complainants and respondents (including registered student organizations) involved in the ERP may be accompanied by one advisor of their choice, provided that the involvement of the advisor does not cause an undue delay of the process.<sup>11</sup> It is the responsibility of each party to coordinate scheduling with their advisor for any meetings. The University will not change scheduled meetings to accommodate an advisor's availability.

An advisor may not speak, write, or otherwise communicate with an investigator or other ERP administrator on behalf of the complainant or respondent. Advisors may not engage in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or other individuals involved in resolving the matter. Advisors who do not abide by these guidelines may be removed from any meeting and excluded from serving in an advisor role, and the process may continue without an advisor present.

For students, an advisor may be any person of the party's choosing, including an attorney, as long as the advisor is not also serving as a witness in the matter. When an advisor is also an attorney, this must be disclosed to the University, and the advisor is still limited to the supportive and non-representative role described above. An attorney of the University's choosing may also attend any proceeding whenever an attorney serving as an advisor is present.

A student party may request assistance from the OEC in identifying an available ERP administrator who could serve as an advisor (this is not available to parties who are faculty or staff employees). However, the University cannot ensure or guarantee the quality or availability of any University-provided advisor. University-provided advisors are not available at the JFRC or Vietnam Center.

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<sup>11</sup> Faculty and staff employee complainants and respondents may also be accompanied by an advisor when provided for by other University policies or procedures or required by law. For example, for employees who are members of a union, a union representative may serve as an advisor where applicable; and nothing in this section will limit or abridge rights otherwise afforded under a collective bargaining agreement.

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

## F. Accommodation for Disabilities in the ERP

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

## III. Informal Resolution

Informal resolution may be available when parties agree to resolve the matter through conflict resolution (mediation, restorative justice, etc.); when the affected party requests that the University take a more limited role in addressing an alleged violation; and/or when the EDEC or designee can otherwise resolve the matter informally and equitably by negotiating agreed upon remedies. It is not necessary for an affected party to pursue informal resolution first before initiating a formal complaint, and any party participating in informal resolution may stop at any time and initiate a formal complaint instead.

Prior to implementing any informal resolution, the University provides parties with written notice of the reported misconduct and any outcomes or measures that may result from participating in the proposed process, including information regarding any records that may be maintained or shared by the University.

### A. Conflict Resolution

Conflict resolution refers to various informal, non-punitive, facilitated processes by which a mutually-agreed upon resolution of an allegation may be reached. Conflict resolution may only be used for less serious, yet still inappropriate conduct, and is encouraged as an alternative to formal complaints to resolve conflicts where a misunderstanding or an unintentional impact may have occurred. Both parties must agree to participate in conflict resolution.

The EDEC determines if conflict resolution is appropriate based on the willingness of the parties, the nature of the conduct at issue, and the amenableness of the conduct to such a process. In a conflict resolution meeting, a trained ERP administrator or other third party facilitates a dialogue with the parties, ideally leading to an effective and mutually satisfactory resolution. Disciplinary outcomes are not assigned in a conflict resolution process, though the parties may agree to appropriate remedies or other courses of action, which may be documented and become binding upon the parties. The OEC only maintains records of any final agreement that is reached, and has a limited role in implementing and enforcing agreed upon resolutions.

Conflict resolution processes are not used to address reports of violent conduct of any kind or where a respondent appears to present a threat to the University community. However, conflict resolution may be made available after the resolution of a formal complaint, if the parties and the EDEC believe it could help repair harm. Conflict resolution is never used in cases of sexual violence.

The two primary types of conflict resolution processes available at Loyola are mediation and restorative justice conferencing, which are described as follows:

## 1. Mediation

Mediation<sup>12</sup> is a voluntary, confidential, participant-focused, structured dialogue that is facilitated by a neutral and impartial mediator, and where the parties' needs and interests are explored without judgement to reach a mutually agreeable solution to a conflict or dispute.

## 2. Restorative Justice Conferencing

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

Mediations and RJ conferences involving at least one student party may be facilitated internally by the Office of Student Conduct & Conflict Resolution, and mediations involving any parties may also be facilitated by outside organizations, such as the Center for Conflict Resolution, with logistical support from the OEC. Parties interested in exploring the possibility of mediation or RJ conferencing should discuss these options with the EDEC or designee.

## B. Directed Discussion

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

When appropriate, the EDEC may approve a directed discussion as a way to communicate the perspective of an affected party to a respondent. The EDEC or designee may require a meeting with the respondent, where the EDEC may inform the respondent that an allegation has been reported and a change in behavior or other responsive action has been requested. The respondent is thereby made aware that the University has received a report involving them, though they are not subject to disciplinary action. In this manner, the affected party may communicate their perspective; the respondent may be made aware of the allegation; and the University may remind the respondent of University policies with which all members of the community are expected to comply.

Because they are inherently one-sided, directed discussions are non-disciplinary in nature, and do not result in assigned outcomes or other corrective action. However, because a non-disciplinary educational or employment record is still generated, the respondent may respond in writing for the record, if desired. The response may or may not be shared with the affected party, depending on the wishes of the respondent.

## C. Other Negotiated Resolution

The EDEC, with the written consent of both parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Such resolution is highly case-specific and depends on the individual circumstances of the report.

## IV. Formal Complaints

A formal complaint may be initiated for any alleged conduct which, if supported by evidence, would constitute a violation of the Comprehensive Policy. A formal complaint consists of two primary phases – investigation and

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<sup>12</sup> Mediation as referenced in this Comprehensive Policy is distinct from mediation as provided for under some collective bargaining agreements, the latter of which is not governed by this Comprehensive Policy.

administrative resolution – and is the only resolution pathway that may result in formal disciplinary action (assigned outcomes).

## A. Investigation

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

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

Investigations are thorough, reliable, impartial, prompt, and fair to both parties, and may involve interviews with relevant parties and witnesses; obtaining and reviewing available, relevant evidence; identifying sources of expert information; and other investigative steps, as needed. Unless and until a respondent is determined to be responsible by a preponderance of the evidence for a policy violation, the University operates with the presumption that the respondent is not responsible for the reported misconduct.

### 1. Assignment of Investigators

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

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

### 2. Notice of Investigation

Before investigators initiate contact with the parties, the EDEC (or Assistant Dean of Students & Title IX Deputy Coordinator in student cases) provides written Notices of Investigation (“NOIs”) to each party. NOIs include a summary of the allegations, including (if known) the identity of the parties involved, the nature of the alleged misconduct, the date and location of the alleged incident(s) (if known), the specific policies implicated, a description of the applicable University procedures, a reminder that retaliation is prohibited, and a statement of the potential assigned outcomes that could result. NOIs also identify the assigned investigator and provide parties the opportunity to raise any concerns regarding a conflict of interest before the parties are contacted by the investigator. The EDEC, investigator, or other designee may inform parties of additional allegations or other material changes to the scope of the investigation by providing an updated or modified NOI.

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

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



### *3. Investigation and Resolution Timeline*

The University strives to investigate and resolve all cases in a prompt and timely manner; however, the timeline for a case may vary based on the circumstances at hand. For example, investigation and/or resolution may be delayed or otherwise affected by breaks in the academic calendar, scope and complexity of the investigation, the need for interim actions, the need for language/translation assistance, the absence or participation of parties or witnesses, accommodations for disabilities or health conditions, and/or other unforeseen or exigent circumstances. Throughout any delay, the University may implement interim measures as deemed appropriate, and parties are periodically updated on the status of their case.

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

### *4. Evidentiary Considerations*

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

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

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

### *5. Interviews and Exchanges with Primary Parties*

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

Meeting in person with a party is the preferred format for an investigative interview. However, alternative arrangements may be requested of the investigator to use available technology to allow remote interviews, when doing so would not compromise the fairness of the investigation.

Parties are interviewed separately, as the University maintains that the ERP is an administrative, non-adversarial process, separate and distinct from any criminal or civil court process. To afford both parties the opportunity to present questions of one another, the investigator invites parties to propose questions that they believe should be asked of other parties or witnesses. Such questions must be submitted in writing to the investigator before the conclusion of the investigation phase.

Upon receipt of requested/proposed questions, the investigator either (a) presents the question (re-worded as needed) to the intended party/witness, or (b) indicates to the requesting party the reasons why the question will not be asked. The investigator has absolute discretion to determine which questions are relevant to the investigation and may decline to pose or permit certain questions. Responses to questions – including a refusal to answer a given question – are noted and included in the final investigation report.

## *6. Witnesses*

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

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

While in-person interviews for both parties and all potential witnesses is preferred, circumstances (e.g. study abroad, summer break) may require individuals to be interviewed remotely. Videoconferencing (such as Zoom or FaceTime), phone calls, or similar technologies may be used for interviews if investigators determine that timeliness or efficiency dictate a need for remote interviewing. In some cases, witnesses may also provide written statements in lieu of interviews (if deemed appropriate by the investigators), though this is not preferred.

## *7. Multiple-Party Cases*

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

## *8. Recording of Interviews*

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

## *9. Preliminary Investigation Report*

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

Parties are invited (though not required) to review the PIR in person and provide a written response to the report within 5 working days. Upon receiving responses from either party, the investigator may respond and/or may share information in the response with the other party to solicit additional information. Investigators then add any relevant information from the parties' responses/exchanges to the PIR and finalize the investigation by converting the PIR to a final investigation report (see below).

## *10. Acceptance of Responsibility*

The respondent may accept responsibility for all or some of the alleged policy violations at any point during an investigation or resolution of a complaint. If a respondent accepts responsibility for all of the alleged misconduct, such an acceptance is noted in the FIR (as defined below), a finding of responsibility is entered, and the matter is promptly referred to an appropriate administrative resolution officer (see below), who will determine assigned outcomes.

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

## *11. Final Investigation Report and Notice of Findings*

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

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

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

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

## **B. Administrative Resolution**

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

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

### *1. General Considerations During the Administrative Resolution Phase*

In each of the formats indicated below, the following principles apply:

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

## 2. Administrative Resolution Formats Based on Respondent Classification

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

### a. When the Respondent is a Student

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

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

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

#### i. Assigned Outcomes for Students

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

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

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

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

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

*ii. Decision Letters for Student Respondents*

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

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

*iii. Withdrawal of Student Respondent with Allegations Pending*

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

*iv. Appeals When Respondent is a Student*

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

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

A concise written request for appeal must be submitted to the EDEC or designee within five working days following delivery of the decision letter. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within five working days following delivery of the notice of the written appeal. Requests for appeal and responses submitted by either party are shared with the other party.

All requests for appeal are reviewed by the EDEC or designee to ensure that the requests meet basic eligibility requirements (e.g. within proper timeframe, appropriate grounds articulated, etc.). If an appeal request does not meet the basic eligibility requirements, the appealing party will be informed (if still within the eligible time frame, the appealing party may resubmit a modified request). At the end of the appeals window, the original resolution decision stands if an appeal is not timely or is not based on the grounds listed above; such decisions are final.

Appeals (and responses, if applicable) are reviewed by an appeal board comprised of three appellate officers from among eligible ERP administrators. The appeal board's responsibility is strictly limited to determining if there was substantial procedural error that materially affected the outcome and/or new evidence not reasonably available at the time of the hearing. If either or both are found by the appeal board, the appeal will be granted. If the appeal is denied, the matter is closed. The appeal board will notify the parties in writing of its decision.

If the appeal is granted:

- due to a substantial procedural error or bias, the matter will be remanded to the appropriate investigator or ARO (or, as in a case of bias, to a new investigator and/or ARO) for reconsideration to remedy the error;
- due to the discovery of new evidence not reasonably available at the time of the initial decision, the outcome may be administratively modified by the appeal board or remanded to the appropriate investigator or ARO for reconsideration in light of the new evidence.

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

Decisions by the appeal board are deferential to the original decision, which may be modified or overturned only when there is clear error and a compelling justification. An appeal is not an opportunity for the appeal board to substitute their judgment for that of the original investigator or ARO merely because they disagree with the finding or resolution decision. The appellate body may consult with the investigator, ARO, or EDEC on questions of procedure or rationale for clarification, if needed.

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

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

b. When the Respondent is a Staff Employee

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

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

i. Assigned Outcomes for Staff Respondents

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

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

Assigned outcomes for a **staff employee** respondent who is responsible for discrimination, sexual misconduct, and/or retaliation may include the following (for further information about these and other disciplinary measures for staff employees, please consult the Employee Staff Handbook):

- Warning – Verbal
- Warning – Written
- Performance Improvement/Management Process
- Required Counseling

- Required Training or Education
- Probation
- Loss of Future Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with Pay
- Suspension without Pay
- Termination
- Other Actions (in addition to or in place of those listed above, the University may assign any other assigned outcomes as deemed appropriate)

*ii. Decision Letters for Staff Respondents*

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

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

*iii. Withdrawal of Staff Respondent with Allegations Pending*

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

*iv. Appeals When Respondent is a Staff Employee*

When the respondent is a staff employee, appeals are governed exclusively by the Employee Staff Handbook, and may only be initiated by the respondent.

c. When the Respondent is a Faculty Employee

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

## C. Responsive Interventions

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

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

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

#### D. Monitored Compliance with Assigned Outcomes and Responsive Interventions

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

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

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*Approved and implemented on September 19, 2019.*



# Part A

Written Notification

Dear student,

I hope this message finds you well. My name is Courtney Bilbrey, Assistant Dean of Students at Loyola University Chicago. This message is regarding an incident that was reported to the Office of the Dean of Students ("DOS"), indicating that you may have experienced sexual misconduct.

I am reaching out to provide you, the harmed party, with information about your rights and the resources available to you through the University, should you need to utilize any of them. Please know you are under no obligation to utilize our supports - we just want you to know we are here if you need us. I assure you that this report will only be shared with those who have a legitimate "need to know" and that your personal information and identity will be kept private to the greatest extent possible. Should you wish to talk with a confidential resource for support, legal options, safety planning, and more, you may wish to connect with Robin Berman, Senior Health Educator and Advocate, at [rberman@luc.edu](mailto:rberman@luc.edu).

Your personal safety and overall well-being are of the utmost concern to us. Loyola takes these matters very seriously and works quickly to ensure that your personal safety on campus is not compromised. If you would like to meet with me to discuss this matter further for any reason (such as to obtain any accommodations or other resources referenced below), please let me know. If you prefer to meet with someone else on the DOS team, I will be glad to put you in touch with a colleague from my office. Meeting at all is not mandatory; you have no obligation to meet with me or anyone else in my office.

#### ***What to Expect at a Meeting***

Should you choose to meet with one of our staff, our goals will be to explain your rights as a student who may have experienced sexual misconduct, to review our University's obligations and commitment to ensuring your safety; to answer any questions that you may have. The meeting may also serve to connect you with support/advocacy resources on- and off-campus, which are available to you regardless of whether or not you wish to report the incident to law enforcement or pursue a formal complaint through the University.

You may bring an advisor (support person) of your choosing to this and any meeting regarding this matter, but it is not required to do so.

There are multiple options for you to seek accountability for someone who has committed discrimination, sexual misconduct, or retaliation. DOS can assist you with notifying local law enforcement and/or initiating a formal Equity Resolution Process ("ERP") against another student, staff, or faculty member. If you choose to initiate an ERP (applicable only when the alleged offender is a current Loyola student, staff, or faculty member) then the matter will be investigated by a trained and impartial staff investigator, according to the procedures outlined in Loyola's Comprehensive Policy and Equitable Resolution Procedures for Discrimination, Sexual Misconduct, and Retaliation. The ERP process and any other legal or criminal action are completely independent of one another, and you need not pursue one to pursue the other (you can pursue one, both, or neither).

Finally, please take note of the additional information on the following pages. Though all information provided may not apply to your exact situation, Loyola is both obligated and committed to ensuring that you have the information you need to make an informed decision about how you wish to proceed.

Upon receiving this message, please email me at [cbilbrey@luc.edu](mailto:cbilbrey@luc.edu) to confirm that you have received this information. Again, I want to thank you for entrusting our staff with this very delicate and personal matter. Please contact me at [cbilbrey@luc.edu](mailto:cbilbrey@luc.edu) or by calling (773) 508-8834 (direct line) if there is anything we can ever do to help.

Respectfully,

Courtney Bilbrey, LCSW (She/Her)

Assistant Dean of Students, Equity Case Manager | Office of the Dean of Students

Title IX Deputy Coordinator | Office for Equity & Compliance

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## Loyola's Policies Regarding Sexual Misconduct

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- Comprehensive Policy and Equitable Resolution Procedures for Discrimination, Sexual Misconduct, and Retaliation
  - In particular, Section VII.B. "Sexual Misconduct"
- Community Standards
  - In particular, Section 604 "Gender-based Discrimination and Misconduct Rights and Resources"

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## Right to Report

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Any student who has experienced gender-based or sexual misconduct (including but not limited to sexual assault, dating/domestic violence, sexual harassment, and stalking) has a right to report the incident to Loyola, law enforcement (CPD), both, or neither. Any report received by faculty or staff will be directed to the Title IX Deputy Coordinator, and will be considered private and sensitive.

If the student wishes to report confidentially (without triggering any additional outreach or action) they should contact one of two resources:

- The Wellness Center
- Loyola's Sexual Assault Advocacy Line

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## Right to Assistance

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Any student who would like assistance notifying law enforcement or accessing and navigating campus and local health and mental health services, counseling, and advocacy services, may contact any of the campus resources listed below and assistance will be provided. The primary points of contact for students are the Title IX Deputy Coordinator for Students (Courtney Bilbrey, [cbilbrey@luc.edu](mailto:cbilbrey@luc.edu)) and the Senior Health Educator (Robin Berman, [rberman1@luc.edu](mailto:rberman1@luc.edu)).

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## Right to Accommodations and Interim Safety Measures

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Any student who has experienced gender-based misconduct may request reasonable accommodations and/or interim protective measures through the Office of the Dean of Students or through the Wellness Center Sexual Assault Advocates. Such measures may include but are not limited to:

- Temporary No Contact Directive (prevents a fellow Loyola student from contacting you)
- Accommodations to ensure safe access to academic, housing, dining, work, or transportation needs
- Assistance with academics including faculty notifications
- Limited assistance with legal, visa, and immigration issues (upon request)

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## Resources and Contact Information

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**MEDICAL AND MENTAL HEALTH** (available regardless of whether or not you submit a formal complaint or report to law enforcement):

- ***Loyola University Chicago Sexual Assault Advocacy Hotline*** (confidential, can assist with accommodations): 773-494-3810
  - Mira Krivoshey, Assistant Director: 773-508-2188 ([mkrivoshey@luc.edu](mailto:mkrivoshey@luc.edu))
  - Robin Berman, Senior Health Educator: 773-508-3196 ([rberman1@luc.edu](mailto:rberman1@luc.edu))
- ***Loyola University Chicago's Wellness Center*** (confidential counseling and medical): 773-508-8883
- ***Porchlight Counseling*** (confidential counseling): 773-750-7077

- **Resilience** (Formerly, RVA) (confidential community-based resource): 312-443-9603
- **Chicago Rape Crisis Hotline**: 888-293-2080
- **Resilience-Supported Medical Facilities** (*These are recommended if pursuing an evidence collection kit; ask for a "victims advocate" upon check-in; note that evidence collection kit must be obtained within 7 days of an assault, and certain medical support is only available in the first 72 hours.*)
  - Nearest to LSC: Methodist Hospital, 5025 N. Paulina St., Chicago, IL 60640
  - Nearest to WTC: Northwestern Memorial Hospital, 251 E. Huron St., Chicago, IL 60611
  - Nearest to HSD: West Suburban Medical Center, 3 Erie St., Oak Park, IL 60302

**LAW ENFORCEMENT** (assistance notifying law enforcement is available)

- **Loyola University Chicago's Department of Campus Safety**: 773-508-6039
- **Nearest Police Departments** (you can always call 911 as well)
  - LSC: Chicago Police (24<sup>th</sup> District): 312-744-5907 (6464 N. Clark Street, Chicago, IL 60626)
  - WTC: Chicago Police (18<sup>th</sup> District): 312-742-5870 (1160 N. Larrabee St., Chicago, IL 60610)
  - HSD: Cook County Sheriff's Police: 708-865-4700 (1401 S. Maybrook Dr., Maywood, IL 60153)

**LEGAL**

- Circuit Court of Cook County to request a legal Order of Protection: 312-325-9006 or 312-325-9037 (located at 555 W. Harrison, Chicago, IL 60607) (*\*Loyola's Campus Safety can escort you, but cannot provide legal advice.*)

**TITLE IX COORDINATOR AND DEPUTY COORDINATOR** (can assist in securing interim accommodations and other resources)

- Title IX Coordinator: Tim Love, Executive Director for Equity and Compliance: 773-508-3733
  - Title IX Deputy Coordinator for Students: Courtney Bilbrey, Assistant Dean of Students: 773-508-8834 ([cbilbrey@luc.edu](mailto:cbilbrey@luc.edu))
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# Part B

## I. A. Student Primary Prevention Programming

## Student Primary Prevention Programming

<b>Program name</b>	<b>Type/description</b>	<b>Date(s) (2018)</b>	<b>Location(s)</b>	<b>Target audience</b>	<b>Number of attendees</b>
Consent Tabling	Tabling in the student center to promote knowledge and use of consent	2/12/18	LSC	All students	30
Dating Violence Training for Athletes	Dating violence presentation for male athletes	2/26/2018	LSC	Male athletes	125
Intervene	An in-depth look at bystander intervention in a variety of situations	April 2018	LSC	New Greek students	302
Arrupe Mini-Conference	Presentation on healthy relationships	5/30/2018	Arrupe	Arrupe students	7
Orientation	50 minute presentation that introduces new students to campus policies and consent	Summer 2018	LSC	Incoming students	1600
Sexual Assault Prevention for Undergraduates	An online module that address gender-based violence, policies, consent, and how to help a friend	Summer 2018	Online	Incoming students	2680
Active Bystander Training	50 minute skills-based presentation on bystander intervention	8/17/2018	Arrupe	Arrupe students	200
Active Bystander Training	50 minute skills-based presentation on bystander intervention	September 2018	LSC	First-year students	2636
Consent training	A presentation to promote knowledge and use of consent	9/10/2018	LSC	Men's basketball team	20
Halloween Consent Party	A program that utilized "trick or treat" as a metaphor for consent with resources and other educational games provided	10/17/2018	LSC	All students	34
Ok for Pets Tabling	Tabling in the student center to highlight red flags in relationships	10/19/2018	LSC	All students	20

Sexual Harassment and Power Dynamics	Workshop provided to highlight the nature of sexual harassment in the workplace	10/23/2018	WTC	Graduate and Professional Students	3
Intervene	An in-depth look at bystander intervention in a variety of situations	October 2018	LSC	New Greek students	175
One Love	A 90 minute program that discusses healthy and unhealthy relationships and how to help a friend	10/25/2018	LSC	Wellness Learning Community	4
One Love	A 90 minute program that discusses healthy and unhealthy relationships and how to help a friend	11/6/2018	LSC	Residents in Regis Hall	40
Active Bystander Training	50 minute skills-based presentation on bystander intervention	November 2018	LSC	Transfer students	70
Intervene	An in-depth look at bystander intervention in a variety of situations	November 2018	LSC	Athletes	314
One Love	A 90 minute program that discusses healthy and unhealthy relationships and how to help a friend	11/14/2018	LSC	Residents in Denobli Hall	11
One Love	A 90 minute program that discusses healthy and unhealthy relationships and how to help a friend	11/18/18	LSC	Greek students	125
Transfer Orientation	50 minute presentation that introduces new students to campus policies and consent	Winter 2018	LSC	Incoming transfer students	200



# Part B

## I. B. Employee Training

## Employee Training

Program name	Type/description	Date(s) (2018)	Location(s)	Target audience	Number of attendees
I'm Here For You	A training for staff and faculty to increase capacity to appropriately respond to disclosures of gender-based violence	1/4/18; 1/23/18; 1/18/18; 2/14/18; 5/15/18; 5/16/18; 6/14/18; 6/19/18; 7/30/18; 8/7/18; 8/10/18; 8/22/18; 9/18/18; 9/24/18;	LSC; WTC; HSC	Responsible employees	288
I'm Here For You for Students	A training for student employees to increase capacity to respond appropriately to disclosures of gender-based violence	5/22/18	LSC	Orientation leaders	25
Behind Closed Doors	Role play scenarios to practice responding to disclosures of gender-based violence	8/1/18	LSC	Res Life professional staff	15
RA training	A training for Resident Advisors to increase capacity to respond appropriately to disclosures of gender-based violence	8/15/18	LSC	Resident advisors	150
Behind Closed Doors	Role play scenarios to practice responding to disclosures of gender-based violence	8/16/18	LSC	Resident advisors	150
Peer Advisor Training	A training for peer advisors on active bystander training and to inform them of their duty to notify disclosures of gender-based violence	8/28/18	LSC	Peer Advisors	60
Annual Title IX/Equity	9 hours of mandatory training (over the month of October) for all Title IX	October 2018	LSC and remote	Title IX investigators, appeal board	12

<b>Training Days</b>	<b>investigators, appeal board members, Title IX Coordinator/Deputy Coordinator, and conduct staff members</b>			<b>members, conduct staff, and Title IX Coordination team</b>	
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# Part B

## II. Reports

**Reports to confidential and anonymous resources**

When collecting data from confidential resources, it was clarified that, the number indicated includes encounters with survivors, not an accurate number of individualized reports. Data regarding the campus where this occurred and the specific category of incident is not available. Additionally, if a student indicated that they had already reported to a responsible employee or the Title IX Coordinator, their report was not counted by the confidential resources.

<b>All campuses</b>	
Sexual Violence, Domestic Violence, Dating Violence, Stalking	83

**Reports to the Title IX coordinator/responsible employees**

The data below reflects incidents that were reported to have occurred within Clery Geography including on-campus property, non-campus property, and public property. The data below is organized by campus:

<b>Lake Shore</b>	
Sexual Violence	18
Domestic Violence	7
Dating Violence	0
Stalking	20

<b>Water Tower</b>	
Sexual Violence	2
Domestic Violence	4
Dating Violence	2
Stalking	5

<b>LUREC</b>	
Sexual Violence	0
Domestic Violence	0
Dating Violence	0
Stalking	0

<b>Cuneo Mansion</b>	
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Sexual Violence	0
Domestic Violence	0
Dating Violence	0
Stalking	0

<b>Rome Center</b>	
Sexual Violence	0
Domestic Violence	0
Dating Violence	0
Stalking	0

<b>Beijing Center</b>	
Sexual Violence	0
Domestic Violence	0
Dating Violence	0
Stalking	0

<b>Vietnam</b>	
Sexual Violence	0
Domestic Violence	0
Dating Violence	0
Stalking	0

<b>Health Science Campus</b>	
Sexual Violence	0
Domestic Violence	0
Dating Violence	0
Stalking	2

While not required by the reporting guidelines, it should be noted that the vast majority of reports received occurred off-campus and/or at an unknown location. As such, these cases will *not* be included in Part B II. A. or Part B. II. B. Additionally, Lake Shore and Water Tower numbers include reports from Chicago Police Department about crimes within Loyola's Clery geography, regardless of whether Campus Safety was notified of those crimes at that time or whether students were involved. Finally, note that for Lake Shore and Water Tower campuses, some incidents of stalking and domestic violence are double-counted in keeping with the Clery hierarchy rule. Reports involving non-Loyola individuals and CPD cases (not involving a Loyola community member) are *not* included in "Response to Reports to Title IX Coordinator or Responsible Employees."

# Part B

II. A. Response to Reports to  
the Title IX Coordinator or  
Responsible Employees

### Responses to Reports to the Title IX Coordinator or Responsible Employees

The following data includes the incidents reported to have occurred within Clery geography and at undisclosed locations.

It should be noted that several cases that were reported to have occurred off-campus (outside of Clery geography) would fall into the following categories of response, however, given the reporting guidelines, these are not reflected in the data below.

	<b>Not eligible for complaint resolution procedure (Respondent was not affiliated)</b>	<b>Survivor requested not to proceed with the complainant resolution procedure</b>	<b>HEI formally investigated allegation</b>	<b>Survivor filed report with local or State law enforcement</b>	<b>Survivor filed report with Campus Police</b>	<b>HEI resolved allegation through complaint resolution procedure</b>
<b>Sexual violence</b>	5	10	6	1	2	5*
<b>Domestic violence</b>	0	0	1	0	0	1
<b>Dating violence</b>	0	1	0	0	1	0
<b>Stalking</b>	5	12	1	1	5	1

**\*One case of sexual violence reported in 2018 is not yet resolved, as complainant did not requested resolution until Fall 2019. Resolution pending and resolution will be counted in 2019 data.**



# Part B

## II. B. Complaint Resolution Procedure Outcomes

**Complaint Resolution Procedure Outcomes**

It should be noted that several cases that were reported to have occurred outside of Clery geography were addressed through the complaint resolution process, however, given the reporting guidelines, these are not reflected in the data.

	<b>Found not responsible for violation of comprehensive policy</b>	<b>Dismissed/expelled</b>	<b>Suspended</b>	<b>Otherwise disciplined</b>
<b>Sexual violence*</b>	2	2	1	0
<b>Domestic violence</b>	0	0	0	1**
<b>Dating violence</b>	NA	NA	NA	NA
<b>Stalking</b>	1	0	0	0

\*Three cases of sexual violence involved one respondent, but three unique complainants. All three cases are counted individually here. One out of the three cases was reported in year 2017 and the complainant requested formal resolution in 2018. The report was counted in 2017; the resolution is counted here.

\*\*For this case, the student was placed on University Probation, received a Limitation on University Access and Activities, Extended No Contact Directive.

Note: One case of sexual violence reported in 2018 is not counted here, as resolution was not requested by complainant until Fall 2019; resolution is currently pending and the resolution will be counted in 2019 data.