

Loyola University Chicago

**Comprehensive Policy
and Procedures**
for
**Addressing Discrimination,
Sexual Misconduct, and Retaliation**

Updated and Published August 1, 2024



Preparing people to lead extraordinary lives

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Introduction from Loyola’s Executive Director for Equity and Compliance & Title IX Coordinator



Office for Equity & Compliance (OEC)

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August 1, 2024

Dear Loyola Community:

As an important part of our commitment to safety, inclusivity, and compliance with applicable civil rights laws, I am pleased to present to you this updated *Comprehensive Policy for Addressing Discrimination, Sexual Misconduct, and Retaliation*, which applies to all Students, faculty, staff, and administrators of Loyola University Chicago.

The Office for Equity & Compliance (“OEC”) is proud to serve the Loyola community by coordinating the University’s response to alleged discrimination, sexual misconduct, retaliation, and other related offenses. Violations of civil rights and dignity contradict the University’s commitment to providing a safe, non-discriminatory, and inclusive academic and workplace environment, in alignment with our legal obligations and institutional values as a Jesuit, Catholic university.

As the implementing stewards of the Comprehensive Policy, we in the OEC hope that each member of our community will receive this information with the clear understanding that **discrimination, sexual misconduct, and retaliation have no place at Loyola**, and that the responsibility to ensure this commitment is upheld rests with all of us.

On behalf of the entire OEC staff, we remain steadfastly committed to continued excellence in this area, and we are honored to have a coordinating role in this important work.

Very sincerely,

Tim Love
Executive Director for Equity and Compliance & Title IX Coordinator

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

I. Purpose

Loyola University Chicago (“Loyola” or the “University”) is committed to providing an education and employment environment that is free from discrimination based on Protected Characteristic(s), harassment, and retaliation for engaging in protected activity.

Furthermore, consistent with our institutional values and mission as “Chicago’s Jesuit, Catholic University”, Loyola values and upholds the equal dignity of all members of its community and strives to balance the rights of Parties involved in any resolution process.

To ensure compliance with federal, state, and/or local civil rights laws and regulations, Loyola maintains this Comprehensive Policy and Procedures for Addressing Discrimination, Sexual Misconduct, and Retaliation (“Comprehensive Policy”), which provides for the prompt, fair, and impartial resolution of allegations of discrimination, sexual misconduct, retaliation, and other related offenses.

II. Scope

The 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, Recognized Student Organizations, faculty and staff employees, guests, visitors, and other persons participating in or attempting to participate in Loyola’s Education Program or Activity, including employment. Except as otherwise provided herein, for the purposes of the Comprehensive Policy, staff includes all non-faculty employees of the University, including officers and Student workers when acting in an employment capacity.

The Comprehensive Policy applies 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. Some specific violations (such as domestic violence and stalking) may be more appropriately categorized as either discriminatory or sexual misconduct or neither, depending on the specific circumstances of the alleged incident. The University addresses alleged misconduct that is discriminatory or sexual in nature under the Comprehensive Policy with procedural frameworks appropriate to the circumstances of each case, whereas misconduct that is not sexual or discriminatory in nature may be addressed under the [Community Standards](#) or other applicable University policies.

III. Key Terminology

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

Advisor. Any person chosen by a Party, or appointed by the University, who may accompany a Party to all meetings related to the Complaint Resolution Procedure and advise the Party on that process.

Administrative Resolution. *See definition on page 43.*

Administrative Resolution Officer (“ARO”). *See definition on page 44.*

Affected Party. A person who reports or discloses having experienced prohibited conduct under the Comprehensive Policy. Affected Parties who were participating or attempting to participate in the University’s Education Program or Activity at the time of the alleged incident may be eligible to request supportive measures and/or file a Complaint under the Complaint Resolution Procedure.

Appeal Administrator. The person (or persons) who grants or denies an appeal and directs responsive actions accordingly.

Alternative Resolution. Various processes that may be available in some instances to resolve a Report or Complaint by voluntary agreement, outside of the Complaint Resolution Procedure. *See description beginning on page 30.*

Confidential Employee. *See definition on page 23.*

Complainant. A Student or faculty or staff employee who is alleged to have been subjected to conduct that could constitute a violation of the Comprehensive Policy; or a person other than a Student or employee who is alleged to have been subjected to conduct that could constitute a violation and who was participating or attempting to participate in the University's Education Program or Activity at the time of the alleged incident.

Complaint. An oral or written request to the University that can objectively be understood as a request for the University to investigate and decide about an alleged violation of the Comprehensive Policy.

Complaint Resolution Procedure ("CRP"). The steps by which the University investigates and makes Findings regarding Complaints of prohibited conduct under the Comprehensive Policy. The CRP is set forth in Article 3 of the Comprehensive Policy.

Comprehensive Policy Administrator ("CPA"). *See definition on page 9.*

Decision-Maker. The person (or persons) who considers evidence, determines relevance, and makes a Finding as to whether the Comprehensive Policy has been violated. In the CRP, an Investigator also serves as the Decision-Maker for the purposes of Title IX.

Education Program or Activity. Locations, events, or circumstances where the University exercises substantial control over the context in which discrimination, sexual misconduct, and/or retaliation occurs, including employment.

Executive Director for Equity & Compliance ("EDEC"). The director of the Office for Equity & Compliance, who serves as the University's Title IX Coordinator. Throughout the Comprehensive Policy, some responsibilities of the EDEC may be delegated to other University personnel.

Finding. A determination made at the conclusion of an investigation as to whether an alleged violation has been substantiated under a preponderance of the evidence (see also, *Standard of Evidence*, page 35). A Finding of either "Responsible" or "Not Responsible" is assigned to each alleged policy violation individually. In cases involving multiple Complainants and/or multiple allegations of the same violation in distinct incidents, a Respondent may be found Responsible for multiple violations of the same policy.

Investigation Report. A summary of all relevant evidence gathered during an investigation or Preliminary Review. Variations include Preliminary Review Summary, Preliminary Investigation Report, and Final Investigation Report.

Investigator. A person authorized by the University to gather facts about an alleged violation of the Comprehensive Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report. In the CRP, an Investigator also serves as the Decision-Maker for the purposes of Title IX.

Notice. When a faculty or staff employee, Student, or third-party informs the EDEC or Office for Equity & Compliance staff of an alleged violation of the Comprehensive Policy. Notice can be conveyed via a Report, Referral, or Complaint. *See page 20 for additional information.*

Office for Equity & Compliance ("OEC"). The University office charged with the authority to centralize and coordinate University-wide compliance with the University Nondiscrimination Policy, Comprehensive Policy, and associated federal, state, and/or local civil rights laws and ordinances.

Preliminary Review. An initial evaluation of Notice conducted by the OEC to assess the applicability of the Comprehensive Policy to the reported information; ensure that any Affected Party receives timely and accurate information about their rights and options; and determine how the University will address the allegations.

Party or Parties. Complainant(s) and Respondent(s). The term “Party” does not include the EDEC when acting in the capacity of Title IX Coordinator to initiate a Complaint or witnesses or other participants in an investigation or resolution process.

Pregnancy or Related Conditions. Pregnancy, childbirth, termination of pregnancy, lactation, medical conditions, or known limitations related to any of the above (such as gestational diabetes), and recovery from any of the above.

Protected Characteristic. Any characteristic(s) for which a person is afforded protection against discrimination and harassment by law and/or the Comprehensive Policy. Protected characteristics at Loyola include race¹, 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.

Recognized Student Organization. A Student organization recognized by the University according to applicable University policies. Recognized Student Organizations includes both registered Student organizations (“RSOs”) and sponsored Student organizations (“SSOs”).

Referral. Notice to the Office for Equity & Compliance by a third-party (i.e., someone other than the Affected Party themselves) of an alleged or potential violation of the Comprehensive Policy. *See page 20 for additional information.*

Report. Notice to the Office for Equity & Compliance by an Affected Party or on one’s own behalf, informing the University of an alleged or potential violation of the Comprehensive Policy. *See page 20 for additional information.*

Respondent. A person who is alleged to have engaged in conduct that could constitute discrimination, sexual misconduct, retaliation, or other related offenses under the Comprehensive Policy. For the purposes of Notice, the term “Respondent” may also refer to a Recognized Student Organization, but procedural rights otherwise afforded to individual Respondents may be limited.

Responsible Campus Partner. A University employee who is obligated under the Comprehensive Policy to refer or report to the Office for Equity & Compliance any knowledge about conduct that reasonably may constitute Title IX Sex-Based Discrimination.

Responsive Intervention. A recommended or mandated action undertaken by the University in response to Notice that is intended to ensure or improve the safety and inclusivity of the University community. Responsive Interventions are distinct from Sanctions, are not disciplinary in nature, and are undertaken with balanced consideration for the needs of the individual Parties, the broader University community, and the University as an institution. Responsive Interventions also include remedies, which are actions benefiting a Complainant intended to address safety, prevent recurrence of prohibited conduct, and/or restore or preserve equal access to the University’s Education Program or Activity.

Sanction. A consequence assigned to a Respondent who is found to have violated the Comprehensive Policy. Sanctions may include disciplinary, educational, and other consequences, and are also known as “assigned outcomes” under the [Community Standards](#) (applicable to Students).

Student. A Student is any person in attendance (in person or online) at Loyola, including its Arrupe College. Students include undergraduate, graduate, doctoral, and non-degree-seeking persons. For the purposes of Title IX compliance only, any person who has gained admission to Loyola will be considered a Student.

Title IX Coordinator. The official designated by Loyola to ensure ultimate oversight of compliance with Title IX and the University’s Title IX program. References to the Title IX Coordinator throughout the Comprehensive Policy may also encompass a designee of the Title IX Coordinator for specific tasks.

Title IX Sex-Based Discrimination. A category encompassing various forms of prohibited discriminatory and sexual misconduct that, while organized differently for the purposes of the Comprehensive Policy, are all subject to

¹ Race includes traits associated with race, including but not limited to hair texture and protective hairstyles such as braids, locs, and twists.

specific procedural requirements according to federal law. Title IX Sex-Based Discrimination exclusively includes discrimination on the basis of sex (including sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity) and Title IX Sex-Based Harassment.

Title IX Sex-Based Harassment. A category of offenses that exclusively includes discriminatory harassment on the basis of sex (including sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity), *quid pro quo* and hostile environment sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Where they are described more fully in Article 1, subsections VII(A) and VII(B), specific forms of misconduct constituting Title IX Sex-Based Harassment are indicated with the superscripted “^{TIIX}”.

IV. University Nondiscrimination Policy

Loyola adheres to all applicable federal, state, and/or local 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.²

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 of the Education Amendments Act of 1972 (“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, and/or submit a Report online at [LUC.edu/equity](https://luc.edu/equity).

V. University Nondiscrimination Personnel

Loyola engages the following University personnel, with support from several others, to coordinate Loyola’s compliance with federal, state, and/or local civil rights laws and ordinances. Loyola recognizes that allegations under the Comprehensive Policy may include multiple forms of discrimination and harassment as well as violations of other Loyola policies; may involve various combinations of Students, employees, and other members of the Loyola community; and may require the simultaneous attention of multiple University departments. Accordingly, all Loyola departments will share information, combine efforts, and otherwise collaborate to the maximum extent permitted by law and consistent with other applicable policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, sexual misconduct, retaliation, and other related offenses.

² It should be noted that while the [Faculty Handbook](#) uses a slightly different phrasing to describe the University Nondiscrimination Policy, the substance of these policies is consistent.

A. Office for Equity & Compliance (OEC)

The OEC staff includes the Executive Director for Equity & Compliance (“EDEC”, who serves as Loyola’s Title IX Coordinator), several Equity Investigators (who serve as Deputy Title IX Coordinators), and a Case Management Specialist. Individual contact information for OEC staff, including the Title IX Coordinator, can be found in Appendix A.

The OEC staff act with independence and authority free from bias or conflicts of interest. Collectively, OEC staff are responsible for coordinating Loyola’s timely, thorough, and fair response (including investigation and resolution) to alleged violations of the Comprehensive Policy; coordinating comprehensive nondiscrimination education and training; and monitoring the effectiveness of the Comprehensive Policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation. The EDEC, with the assistance of the OEC staff, ensures that all University representatives who assist with administration of the Comprehensive Policy act with objectivity and impartiality and are assessed with respect to conflicts of interest and/or potential bias.

Office for Equity & Compliance

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B. Comprehensive Policy Administrators

Loyola also engages a pool of trained and qualified “Comprehensive Policy Administrators” (“CPAs”) who assist with the University’s response to Reports and the administration of the Complaint Resolution Procedure. CPAs are otherwise employed by the University and serve in such a capacity based on their respective roles. CPAs perform various functions impartially and free from conflicts of interest and bias, at the coordination and direction of the EDEC. CPAs are vetted and trained to ensure they are not biased for or against any Party in a specific case, or for or against Affected Parties/Complainants or Respondents, generally.

CPAs may include select personnel from within the Division of Student Development, Human Resources, and the Office of the Provost, as well as other areas as needed. All OEC staff and CPAs are trained in compliance with applicable federal, state, and/or local laws and regulations. This training is designed to ensure the consistent application of the Comprehensive Policy and improve CPAs’ understanding of relevant processes and concepts.

C. Disability Support Personnel

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, state, and/or local laws pertaining to persons with disabilities. Under the ADA/Section 504 and their 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 persons who have a history or record of a substantially limiting impairment, or who are perceived by others as having such an impairment.

Allegations or concerns about discrimination based on disability should be directed to the OEC. However, Students or employees requesting academic or employment-related accommodations for disabilities should contact the offices listed below.

1. *Accommodations for Students with Disabilities*

Loyola provides qualified Students with disabilities the reasonable accommodations and support needed to ensure equal access to the Education Program or Activity 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”) or applicable office that coordinates services for Students with disabilities in their school or college. 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 or other applicable office, a Student feels that the University has failed to accommodate them appropriately, a Report may be submitted to the OEC.

2. Accommodations for Faculty and Staff Employees with Disabilities

Pursuant to the ADA, Loyola provides reasonable accommodations 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 faculty or staff employee with a disability is responsible for requesting an accommodation in writing to Human Resources and providing appropriate documentation. For more information about this process, see [Human Resources' Online Accommodation Notification](#), [Faculty Handbook](#), or collective bargaining agreement, as applicable.

If, after working with Human Resources/the Provost's Office, a faculty or staff employee feels that the University has failed to accommodate them appropriately, a Report may be submitted to the OEC.

D. Pregnancy and Parenting Support Personnel

Loyola is firmly committed to creating a welcoming, accessible, and inclusive environment for pregnant and parenting Students, faculty and staff employees, and applicants. Discrimination against any person based on Pregnancy or Related Conditions is a form of sex discrimination and prohibited under Title IX.

Additionally, under Title IX and other applicable laws, the University must make reasonable modifications to the University's policies, practices, or procedures as necessary to prevent discrimination based on parental, family, or marital status, or based on Pregnancy or Related Conditions. Reasonable modifications for Pregnancy or Related Conditions for Students and employees vary and are provided in consultation with the pregnant person (or a person who has a legal right to act on behalf of the pregnant person) and in response to the pregnant person's circumstances.

Additional information is available at LUC.edu/equity.

1. Student Information on Pregnancy or Related Conditions

Reasonable modifications for Students may include, but are not limited to: counseling services; option for voluntary leave of absence; utilization of lactation spaces; breaks during class or work to attend to health, breastfeeding, or lactation needs; extension of time for coursework and rescheduling of tests and examinations; and changes in physical equipment or supplies.

Students who are pregnant and/or seeking to request modifications or additional information about their rights related to Pregnancy or Related Conditions should submit the [Pregnant & Parenting Assistance Request Form](#), available at LUC.edu/equity, or contact any staff in either the OEC or ODOS.

2. Employee Information on Pregnancy or Related Conditions

Reasonable modifications for faculty or staff employees may include, but are not limited to: time off in accordance with the employee's applicable employment benefits; utilization of lactation spaces; breaks during work to attend to health, breastfeeding, or lactation needs; and changes in physical equipment or supplied.

Faculty or staff employees who are pregnant and/or seeking to request modifications or additional information about their rights related to Pregnancy or Related Conditions should contact Human Resources.

VI. Jurisdiction

The Comprehensive Policy applies to Loyola's Education Program or Activity (i.e., locations, events, or circumstances where the University exercises substantial control over the context in which discrimination, sexual misconduct, and/or retaliation occurs, including employment) and circumstances where the University has disciplinary authority.

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 was alleged to have occurred in the context of Loyola's Education Program or Activity, to have limited or denied a person's access to Loyola's Education Program or Activity, and/or to have affected a substantial University interest.

Substantial 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 federal, state, and/or local laws;
2. Any situation where it appears that a Respondent may present a danger or threat to the health or safety of oneself or others;
3. Any situation that significantly impinges on the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder; and
4. Any situation that substantially interferes with Loyola's educational, professional, or operational interests.

For disciplinary action to be issued under the Comprehensive Policy, the Respondent must be a Loyola Student or employee. If a Respondent is unknown or is not a Student or employee, the OEC or ODOS can still assist the Affected Party in accessing supportive measures and other resources on or off-campus, including (when applicable) assisting the Affected Party with reporting to local law enforcement and/or Campus Safety.

Loyola reserves the right, at its sole discretion, to impose limitations on Respondents who are not current Students or faculty or staff employees, but who are reported to have engaged in prohibited conduct as defined by the Comprehensive Policy or another University policy. Such a limitation may include but is not limited to barring a person from all University property and/or events.

Respondents in this category may include, but are not limited to: guests and visitors to the University; persons who are admitted and/or deposited to Loyola but are not yet in attendance; persons who reside in a Loyola residence facility; vendors or paid contractors; and former Students, alumni, and others who are not enrolled for a particular term but who have a continuing relationship with or educational interest in Loyola (e.g., Students under suspension, on a leave of absence, or participating in an activity in preparation for attendance, such as orientation).

Reports from Affected Parties who are ineligible to file a Complaint but who are alleging that a current Student or employee Respondent engaged in prohibited conduct will be reviewed by the University to assess whether University interests may still warrant responsive action.

A. Online Harassment and Misconduct

The Comprehensive Policy is written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in, or have an effect on, the University's Education Program or Activity, or when they involve the use of University networks, technology, or equipment.

Although the University may not control third-party websites, social media, and other venues through which harassing communications are made, when such communications are reported to the University, it may engage in a variety of means to attempt to address and mitigate the effects. Such means may include use of the CRP to address off-campus conduct where the effect of the conduct contributes to limiting or denying a person access to the University's Education Program or Activity.

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 violations may be applied to single incidents as well as patterns and/or climate concerns, all of which may be investigated or otherwise addressed in accordance with the Comprehensive Policy. All prohibited conduct described below encompasses both actual and attempted offenses.

All violations of the Comprehensive Policy may result in any Sanctions up to and including University expulsion (for Students) or termination (for employees). In all cases, however, Sanctions may be reduced or enhanced based on specific circumstances and/or the cumulative conduct record of the Respondent.

The University reserves the right to address these behaviors through other University processes when they are of a general nature and/or do not appear to have been motivated by a person's Protected Characteristic(s). Except as otherwise required by applicable law, none of these policies are meant to restrict academic freedom as described in the [Faculty Handbook](#) or a collective bargaining agreement, as applicable.

Where a form of prohibited conduct is specifically defined under Title IX, the heading will be indicated with the superscripted "TIX". Cases involving allegations of Title IX discrimination, even if other non-Title IX allegations are also included, may be subject to special provisions as described in Article 3, subsection IX.

Unless otherwise indicated, all definitions provided below are as applied for the purposes of the Comprehensive Policy and may differ from definitions used in some jurisdictions by law enforcement and/or courts for criminal, civil, or other legal purposes.

A. Discrimination

Discrimination is the different treatment of another person, based wholly or partially on a person's actual or perceived Protected Characteristic(s). When substantiated, discrimination will be appropriately addressed and remedied, whether through Sanctions, Responsive Interventions, or both.

Discrimination can take two primary forms:

- **Disparate treatment discrimination** is the intentional differential treatment of a person based wholly or partially on actual or perceived Protected Characteristic(s) and that excludes a person from participation in, denies the person the benefits of, or otherwise adversely affects the person's participation in the University's Education Program or Activity.³
- **Disparate impact discrimination** occurs when policies or practices that appear neutral unintentionally result in a disproportionate impact on one or more person(s) with Protected Characteristic(s) that excludes the person from participation in, denies the person the benefits of, or otherwise adversely affects the person's participation in the University's Education Program or Activity.

Disparate treatment discrimination may result in Sanctions; whereas disparate impact discrimination may be remedied through Responsive Interventions, as applicable.

In addition to these forms of discrimination *per se*, the following behaviors are also prohibited as forms of discrimination:

1. Discriminatory Harassment

Discriminatory harassment is defined generally as intentional, unwelcome, and offensive conduct towards a person on the basis of one or more actual or perceived Protected Characteristic(s).

Discriminatory harassment can create a hostile environment when the unwelcome conduct, based on the totality of the circumstances, is both subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's Education Program or Activity.

Objective offensiveness is assessed from the position of a reasonable person in the same or similar circumstances as the Affected Party. Discriminatory harassment may – but need not – include physical or verbal abuse, the use of slurs, epithets, or derogatory terms, threats, mockery, intimidation, bullying, and/or hazing.

³ Disparate treatment discrimination on the basis of sex (including sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity) is a form of Title IX Sex-Based Discrimination.

When a hostile environment has been created due to discriminatory harassment, Loyola will take reasonable, timely, and effective steps to eliminate the hostile environment and to remedy the resulting harm.

a. Sex-Based Discriminatory Harassment^{TIX}

Sex-based discriminatory harassment is explicitly prohibited under Title IX, and encompasses discriminatory harassment on the basis of sex, including sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity.

2. *Failure to Accommodate for Disability, Pregnancy or Related Conditions, or Religious Belief*

Loyola is committed to providing reasonable accommodations/modifications for qualified persons with disabilities, Pregnancy or Related Conditions, or religious beliefs, in compliance with applicable University policies and federal, state, and/or local laws.

Failure by a faculty or staff employee of the University to provide a reasonable accommodation in compliance with applicable University policies and federal, state, and/or local laws is a form of discrimination and is prohibited.

Any person who believes that – after having duly followed the instructions and procedures as directed by the Student Accessibility Center or applicable office (for Students) or Human Resources (for employees) – a Loyola faculty or staff employee has not implemented reasonable accommodations as required by University policies and/or applicable law may report the matter to the OEC for investigation.

3. *Other Discriminatory Misconduct*

The substantiated violation of any other University policy may constitute other discriminatory misconduct when – based on the totality of circumstances – it appears more likely than not that the violation was motivated by a person’s actual or perceived Protected Characteristic(s).

B. Sexual Misconduct

Although federal and state laws define various violent and/or non-consensual sexual acts as crimes⁴, for the purposes of the Comprehensive Policy, Loyola applies its own definitions and standards for the various ways in which sexual and/or gender-based misconduct are prohibited, in compliance with Title IX where applicable.

Acts of sex-based harassment and other 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. *Sexual Harassment*

Sexual harassment is broadly defined⁵ as:

⁴ 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.

⁵ In addition to federal and state prohibitions, sexual harassment is also illegal in Chicago. Chicago Municipal Code 6-010-040 defines sexual harassment as “any (i) unwelcome sexual advances or unwelcome conduct of a sexual nature or (ii) requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or (2) submission to or rejection of

- unwelcome sexual conduct (including verbal, written, online, and/or physical conduct),
- that, based on the totality of the circumstances,
- is subjectively and objectively offensive.

Sexual harassment may occur without regard to the Respondent's intent and is based on the totality of the circumstances. 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.

Loyola reserves the right to remedy any form of sexual harassment when substantiated, whether or not the behavior constitutes *quid pro quo* or hostile environment sexual harassment. Addressing such conduct may not result in the imposition of Sanctions, but may be addressed through respectful conversation, remedial actions, education, Alternative Resolution, and/or other University policies and procedures.

a. Quid Pro Quo Sexual Harassment ^{TIX}

Quid pro quo sexual harassment occurs when:

- an employee or other person authorized by the University,
- provides an aid, benefit, or service under the University's Education Program or Activity, and
- explicitly or impliedly conditions the provision of such aid, benefit, or service,
- on a person's participation in unwelcome sexual conduct.

b. Hostile Environment Sexual Harassment ^{TIX}

A hostile environment is created when sexual harassment is:

- so severe or pervasive,
- that it limits or denies a person's ability to participate in or benefit from Loyola's Education Program or Activity.

2. Sexual Assault ^{TIX}

Sexual assault is defined as an offense classified as a forcible or nonforcible sex offense under the Uniform Crime Reporting System of the Federal Bureau of Investigation.⁶ A sex offense is any sexual act directed against a person, without the person's consent, including instances where the person is incapable of giving consent. Sex offenses are further defined and categorized as follows:

a. Non-Consensual Sexual Penetration ^{TIX}

Non-consensual sexual penetration (also known as rape) is any sexual penetration (including vaginal, anal, and oral penetration of the Complainant by the Respondent with any body part or object), without the consent of the Complainant, including instances where the Complainant is incapable of giving consent either because of their age or because of their temporary or permanent mental or physical incapacity.

such conduct by an individual is used as the basis for any employment decision affecting the individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment; or (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position." All conduct falling under this definition is also prohibited by Loyola and covered under the Comprehensive Policy.

⁶ This general definition of sexual assault does not constitute a specific offense under the Comprehensive Policy; rather, it is a description encompassing six specific offenses. For the purposes of the Comprehensive Policy, Loyola classifies these offenses into four types of prohibited conduct (i.e., rape, fondling, incest, and statutory rape), which is consistent with the University's Clery Act reporting obligations and still encompasses all forms of sexual assault prohibited under Title IX.

b. Non-Consensual Sexual Contact ^{TIX}

Non-consensual sexual contact (also known as fondling) is the touching of the private body parts (i.e., breasts, buttocks, or groin/genitalia) of the Complainant by the Respondent or causing the Complainant to touch the Respondent's private body parts intentionally, for a sexual purpose, and without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

c. Incest ^{TIX}

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.⁷

d. Statutory Rape ^{TIX}

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

3. Dating Violence ^{TIX}

Dating violence is violence⁸ committed by a Respondent (a) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship.

4. Domestic Violence ^{TIX}

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a Respondent with whom the victim shares a child in common, by a Respondent who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a Respondent similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction⁹, or by any other Respondent against an adult or youth Complainant who is protected from that Respondent's acts under the domestic or family violence laws of the jurisdiction.

⁷ In Illinois this includes as between (a) an ancestor and a descendent or between siblings, whether by half or whole blood or by adoption; (b) an uncle/aunt and nephew/niece, whether by half or whole blood; (c) between cousins of the first degree, with limited exceptions. (See, 750 ILCS 5/212.)

⁸ For purposes of the Comprehensive Policy, violence is defined as intentionally or recklessly causing the Complainant physical, emotional, or psychological harm. Legitimate use of violence for self-defense is excluded from this definition because the purpose is safety, not harm. Consensual use of violence, such as in kink relationships, would also not meet this definition in most circumstances.

⁹ In Illinois, a person commits domestic battery if the person knowingly and without justification "*causes bodily harm to any family or household member [or] makes physical contact of an insulting or provoking nature with any family or household member.*" (720 ILCS 5/11-1.70). This definition is applicable to criminal prosecutions and Clery reporting in Illinois; however, it differs from the language used by Loyola to address violations of the Comprehensive Policy.

5. Stalking^{TIX}

Stalking¹⁰ is engaging in a course of conduct directed at a specific person that would cause a reasonable person¹¹ to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.¹²

For purposes of the Comprehensive Policy, a "course of conduct" requires that there be more than one incident and the conduct must be directed at a specific individual. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct may be considered. Stalking incidents may include, but are not limited to, watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. Merely annoying conduct, even if repeated, may be a nuisance but may not constitute stalking.

In instances where stalking is found not to have been motivated by a person's Protected Characteristic(s), 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.

6. Sexual Exploitation

Sexual exploitation is when a person takes non-consensual or harmful sexual advantage of another person for their own benefit or for the benefit of anyone other than the person being exploited, and where the behavior does not otherwise constitute sexual harassment, sexual assault, dating violence, domestic violence, or stalking as defined above.

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).
- Exposing one's genitals or breasts ("flashing") in non-consensual circumstances.
- Knowingly making an unwelcome disclosure of (or threatening to disclose) a person's sexual orientation, gender identity, or gender expression.
- Taking pictures or video or audio recording another person 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); or making or posting non-consensual pornography.
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings.
- Prostitution or sex trafficking involving 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 disease or 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.

¹⁰ 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.

¹¹ Reasonable person is an objective standard meaning a person having similar characteristics and experiencing similar circumstances as the Complainant.

¹² In the context of stalking, a Complainant is not required to obtain medical or other professional treatment, and counseling is not required to show substantial emotional distress.

C. Retaliation

For the purposes of the Comprehensive Policy, retaliation is defined as any adverse action taken against a person (including peer-to-peer retaliation among Students or among faculty or staff employees) because of their participation in a protected activity, as defined below.

“Adverse action” means intimidation, threats, coercion, discrimination, or any other action taken for the purpose of interfering with any right or privilege established under the Comprehensive Policy or related federal, state, and/or local laws.

“Protected activity” includes reporting information, filing a Complaint, testifying, assisting with or participating in an investigation or proceeding under the Comprehensive Policy, or otherwise exercising one’s rights under the Comprehensive Policy. Protected activity does not include intentionally making a materially false statement in bad faith, or refusing to report information, participate as a witness, or otherwise assist with an investigation or proceeding where otherwise required under the Comprehensive Policy.

Retaliation is a serious violation¹³; acts of alleged retaliation should be reported immediately to the OEC and will be promptly addressed. Supportive measures may also be available to proactively protect persons who fear that they may be subjected to retaliation for reporting, filing a Complaint, or otherwise participating in an investigative process under the Comprehensive Policy.

Reports of retaliation that are not governed by the Comprehensive Policy (e.g., retaliation for reporting fraud or other employee misconduct) may be referred elsewhere to be addressed under other applicable University policies and procedures.

D. Other Related Offenses

1. *Unauthorized Disclosure*

It is a violation of the Comprehensive Policy for any Party, witness, or other person to distribute or otherwise publicize materials created or produced during an investigation or resolution process except as required by law or as expressly permitted by the University.¹⁴ It is also a violation to publicly disclose a Party’s personally identifiable information without proper authorization or consent.

Unauthorized disclosure may result in any Sanctions up to and including University suspension (for Students) or termination (for employees).

2. *Failure to Comply/Process Interference*

Loyola Students and employees are expected to comply with the reasonable directives of the EDEC in the performance of their official duties. The following behaviors are prohibited:

- Intentional failure to comply with a reasonable directive, including a No Contact Directive or Limitation on University Activities or Access (LUAA);
- Intentional failure to comply with emergency removal or interim suspension terms;

¹³ Pursuant to Chicago Municipal Code 2-160-040, retaliation for reporting sexual harassment is illegal in Chicago.

¹⁴ Nothing in this section restricts the ability of Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation); consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the CRP. Additionally, nothing in this section prohibits, prevents, or otherwise limits any Party, witness, or other individual from filing a charge with or participating, testifying, or assisting in any investigation, hearing, or other proceeding before any federal, state, and/or local government agency, or in any legislative or judicial proceeding, nor does anything in this section preclude, prohibit or otherwise limit, in any way, a Party’s, witness’, or other individual’s rights and abilities to contact, communicate with, or report matters to federal, state, and/or local officials for investigation or otherwise participate in any whistleblower program administered by such agencies.

- Intentional failure to comply with Sanctions;
- Intentional failure to adhere to the terms of an agreement achieved through Alternative Resolution;
- Intentional failure to comply with the Responsible Campus Partner reporting obligations (for applicable employees) as defined in the Comprehensive Policy; and
- Intentional interference with the CRP, including but not limited to destroying or concealing evidence, soliciting or attempting to solicit knowingly false testimony, knowingly filing a false Report or Complaint, knowingly providing false testimony or evidence, or intimidating or bribing a witness or Party.

VIII. Information Regarding Consent, Force, Coercion, Incapacitation, and Loyola's Consensual Relationships Policy

The following concepts are integral to understanding the Comprehensive Policy.

A. Consent

Consent is freely given, mutually understandable permission to engage in a specific sexual activity.¹⁵ Since persons 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 person 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 a person 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 or threat of physical violence and/or imposing on someone physically to gain sexual access. Sexual activity that is forced is by definition non-consensual.

C. Coercion

Coercion is the use of pressure, intimidation, or threats 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, intimidating, or threatening that person to overcome their resistance can constitute coercion.

¹⁵ 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.

D. Incapacitation

Incapacitation is defined as a state in which a person 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. A person who engages in sexual activity when that person 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 law¹⁶, 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.

E. Loyola’s Consensual Relationships Policy

In order to protect the integrity of the University academic and work environment, Loyola’s Consensual Relationships Policy outlines the limitations on consensual relationships between faculty, staff, affiliates, and Students at the University, as more specifically described in that policy, available at LUC.edu/hr/policies/consensualrelationshipsolicy/.

IX. Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. The University will inform Affected Parties and Complainants of the importance of preserving evidence, where applicable, by taking actions such as the following:

For **sexual assaults**:

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible; but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence.

For **stalking/dating violence/domestic violence/other misconduct**:

- Evidence in the form of text and voice messages will be lost in most cases if a person changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).

¹⁶ In Illinois, a person commits criminal sexual abuse (or other related crime) who, “*commits an act of sexual penetration or sexual conduct with a victim who was...under 17 years of age...*” (720 ILCS 5/11-1.50). This definition is applicable to criminal prosecutions in Illinois; however, this definition differs from the language used by Loyola to address violations of the Comprehensive Policy.

- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

Students who have experienced sexual assault, stalking, dating violence, or other sexual misconduct are encouraged to contact the Wellness Center for additional support regarding the preservation of evidence.

X. Reports and Referrals of Discrimination, Sexual Misconduct, Retaliation, and Other Related Offenses

Loyola encourages anyone who experiences misconduct under the Comprehensive Policy to provide Notice to the University, so that the University may respond promptly and equitably. For the purposes of the Comprehensive Policy, Reports and Referrals are distinguished from Complaints.

A “**Report**” or a “**Referral**” each provides Notice to the University of an allegation or concern about possible discrimination, sexual misconduct, retaliation, or other related offense, and provides an opportunity for the OEC to provide information, resources, and supportive measures. Reports are made by an Affected Party or on one’s own behalf, whereas Referrals are made by a third-party, such as an employee to whom an Affected Party has disclosed a concern or experience. Reports and Referrals may both be submitted by any Student or employee, by another person (such as a parent, friend, or other concerned person), or anonymously.

A “**Complaint**” provides Notice to the University that the Complainant wishes to initiate an investigation or other appropriate resolution procedure, with the potential outcome of discipline for a specific individual Respondent. Any person may initially make a Report or Referral, but only the Affected Party or the EDEC may escalate the Report or Referral to a Complaint. For information about the University’s response to Complaints, see Article 3, *Complaint Resolution Procedure*.

The University recognizes the privacy and sensitivity of Reports and Referrals, and only shares information internally on a need-to-know basis. Reports and Referrals carry no obligation to initiate a Complaint, and in most circumstances the University may respect an Affected Party’s request not to initiate a Complaint. However, there may be some circumstances where the University may need to initiate a Complaint to ensure the safety of the community. If an Affected Party does not wish to file a Complaint, the University will maintain the privacy of information to the extent possible.

To ensure that accurate information and resources are provided in a timely and consistent manner, the following policies apply University-wide:

A. Report/Referral Information

Any person may report all forms of discrimination, sexual misconduct, retaliation, or other related offenses using any of the following methods. There is no time limitation on reporting. 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, substantiate alleged violations, take disciplinary action, provide remedies, or otherwise respond to the allegations may be limited.

1. **(PREFERRED OPTION)** Report concerns directly to the OEC using the publicly available [Online Referral/Report Form](#) available at LUC.edu/equity. Online reporting is available year-round, 24 hours a day, 7 days a week (including University holidays).
2. Report to the OEC via email at equity@luc.edu or by emailing the Title IX Coordinator or any Deputy Title IX Coordinator at the contact information provided in Article 1, subsection III.
3. Report to the OEC via phone, in person, or by postal mail using the following directory information for the office, located at Loyola’s Lake Shore Campus:

Loyola University Chicago
Office for Equity & Compliance
Granada Center, Suite 403
Chicago, IL 60626
(773) 508-7766

The OEC office is open year-round, Monday through Friday, from 8:30 AM – 5:00 PM CST (except for University holidays).

4. *(For concerns about a Student only)* Report online or in person to the [CURA Network](#), under the [Office of the Dean of Students](#). The Office of the Dean of Students will in turn notify the OEC.
5. *(For concerns about a faculty or staff employee only)* Report in person, by phone, or electronically to the [Department of Human Resources](#). Human Resources will in turn notify the OEC.

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

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

1. Anonymous Reporting

Any person may report an incident anonymously using the [Online Referral/Report Form](#) available at [LUC.edu/equity](#). Depending on the information provided, anonymous Reports may still prompt the EDEC to initiate a Complaint. It should be noted that the University's ability to offer and/or provide supportive measures, investigate the alleged incident(s), impose Sanctions, provide appropriate remedies, and otherwise respond to a Report is limited in cases where no Affected Party or Complainant is identified.

2. Amnesty

Loyola encourages the reporting of misconduct and crimes impacting our community. It is in the best interests of the University community for all Parties and witnesses to share what they know and be forthcoming during any resolution process.

To encourage reporting and participation in resolution processes, Loyola may offer amnesty from minor policy violations. Granting amnesty is a discretionary decision made by the University, and amnesty does not apply to more serious allegations, such as physical abuse of another person or illicit drug distribution.

a. Good Samaritan and Medical Amnesty Protocol (Students)

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](#).

b. Amnesty for Employees

Some faculty or staff employees may be hesitant to report misconduct under the Comprehensive Policy that they have experienced for fear of getting in trouble themselves. The University may, at its discretion, offer employee Affected Parties, Complainants, or witnesses amnesty from such policy violations (limited to minor policy violations) related to an incident. Such determinations are made on a case-by-case basis.

3. Responsible Campus Partner Obligations

With limited exceptions (see below), and consistent with the University's legal obligations, **all Loyola faculty and staff employees must notify the OEC/Title IX Coordinator when the employee has information about conduct that reasonably may constitute Title IX Sex-Based Discrimination.** This includes any of the following conduct, when the conduct was within the University's Education Program or Activity:

- **Discrimination or discriminatory harassment on the basis of sex** (including sex stereotypes, sex characteristics, gender identity, sexual orientation, and Pregnancy or Related Conditions),
- **Sexual harassment** (including *quid pro quo* and hostile environment sexual harassment),
- **Sexual assault,**
- **Dating and/or domestic violence, and/or**
- **Stalking**

Faculty and staff employees and others with such a duty are referred to as Responsible Campus Partners and must refer such incidents to the OEC within 24 hours of becoming aware of the incident.

Responsible Campus Partners must promptly share all relevant details of such information they receive – including the identities of any/all known Parties – preferably via the [Online Referral/Report Form](https://luc.edu/equity) available at [LUC.edu/equity](https://luc.edu/equity).

Failure of a Responsible Campus Partner to notify the OEC of such information is a violation of the Comprehensive Policy and may subject the Responsible Campus Partner to disciplinary action.

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. Additionally, aside from notifying the OEC, Responsible Campus Partners should maintain strict privacy with respect to applicable disclosures and Reports; the OEC will notify persons with a legitimate need to know, as necessary.

Note that this obligation is for Reports and disclosures of Title IX Sex-Based Discrimination only, and except as applied to supervisors/managers (see, *Obligation for Supervisors/Managers to Report/Refer Discrimination, Retaliation, and Other Related Offenses*, below), does not apply to other forms of discrimination or retaliation. However, all Responsible Campus Partners are strongly encouraged to report such incidents as well, to ensure that applicable support, resources, and information may be provided to Affected Parties.

Exceptions to the Responsible Campus Partner obligation are as follows:

a. Exception for Affected Party Employees

The Responsible Campus Partner obligation does not apply to an employee who has personally been subject to conduct that reasonably may constitute Title IX Sex-Based Discrimination. However, such employees are, of course, encouraged to report such matters so that assistance may be provided.

b. Exception for Student Employees

Students (including Student workers and graduate assistants) are excluded from the Responsible Campus Partner obligation at all times and regardless of whether the Student is acting in an employment or Student capacity.

c. Exception for Confidential Employees

At Loyola, Students wishing to speak to a member of the University about an experience of sex discrimination without initiating a Report should contact the Sexual Assault Advocates (“Advocates”) of the Wellness Center. Advocates are the only University employees who are designated as “confidential advisors” under Illinois law¹⁷, and as such, Advocates are best positioned to help Students access available supports and resources in the University and/or in the local community without triggering a duty to refer the matter to the OEC. Advocates can

¹⁷ 110 ILCS 155, Section 20

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 University employees are designated as “Confidential Employees”. Confidential Employees are exempt from the Responsible Campus Partner obligation in certain situations, **only when the Confidential Employee is acting in the professional capacity indicated**, and subject to the limitations below:

- Licensed professional counselors and staff,
- Health service providers and staff, and/or
- Catholic priests (only when offering the Sacrament of Reconciliation/“confession”) and other pastoral counselors¹⁸

It should be noted that even Confidential Employees must, upon being informed of conduct that may constitute Title IX Sex-Based Discrimination, explain to the person making the disclosure:

- The employee’s status as a Confidential Employee for purposes of the Comprehensive Policy, including the circumstances in which the Confidential Employee is not required to notify the OEC/Title IX Coordinator about the conduct;
- How to contact the OEC/Title IX Coordinator and how to file a Complaint of sex discrimination; and
- That the OEC/Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate Alternative Resolution or a Complaint under the CRP.

Additionally, Confidential Employees may still 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, Confidential Employees may still be required to submit anonymous statistical information to the OEC and/or Campus Safety for Clery Act purposes unless they believe it would be harmful to their client, patient, or confessor.

Students and employees seeking confidential services outside the University 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; and/or
- [Perspectives, Loyola’s Employee Assistance Program](#) (for employees)

d. Exception for IRB-Approved Research

Consistent with Title IX, Loyola provides a narrow exemption to its Responsible Campus Partner obligation for research activities designed to gather information about sex discrimination and that have been approved by the Institutional Review Board (“IRB”). Faculty employees engaged in such research are exempt from the Responsible Campus Partner obligation only with respect to information received while conducting the research activity.

Student participants in such research studies will be informed that relevant disclosures in IRB-approved research will not be shared with the University and do not constitute Notice to the University of an allegation or Report of sex discrimination. Applicable disclosures made to researchers in all other settings (e.g., during office hours, academic advising, classroom discussions, informal discussions, or classroom assignments) must still be reported to the OEC/Title IX Coordinator. For further information about the limitations of this exemption, see the IRB website: LUC.edu/irb.

¹⁸ “Pastoral counselor” here refers to a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. For assistance identifying a pastoral counselor from a non-Catholic faith tradition, contact the [Department of Campus Ministry](#), at (773) 508-2200.

e. Limited Exception for Safe Haven Programs (Public Awareness Events)

Programming around sex discrimination such as sexual assault and harassment, dating and/or domestic violence, and stalking is an important educational tool. At times, it may be appropriate and reasonable to expect that Students would disclose personal experiences with these topics during these programs. “Safe Haven” events are events where, *if the only employees present are designated Confidential Employees*, information shared about conduct that may reasonably constitute sex discrimination does not trigger an obligation to report the matter to the OEC. Safe Haven events must be pre-approved by the EDEC, and several elements must be in place to assure the event constitutes a Safe Haven event. These requirements include:

- A trained Advocate must be present for the entirety of the program;
- No employees who are Responsible Campus Partners are in attendance;
- Advertisements must label the program as a Safe Haven event; and
- Information about how to report sex discrimination to the OEC must be provided.

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

It should be noted that if a Responsible Campus Partner attends such an event and would otherwise be obligated to refer information about potential sex discrimination to the OEC/Title IX Coordinator, then the Responsible Campus Partner must still refer the matter to the OEC. The University will not be obligated to act in response to the information unless it indicates an imminent and serious threat to the health or safety of a Complainant, any Students, employees, or other persons. In all such cases, however, the University will use the information to inform its prevention and safety efforts.

f. Obligation for Supervisors/Managers to Report/Refer Discrimination, Retaliation, and Other Related Offenses

To the extent required by law, faculty and staff employees who hold supervisory or managerial responsibilities also have an obligation to report or refer any known, disclosed, or alleged (whether formally or informally) other forms of discrimination, retaliation, or other related offenses within the University’s Education Program or Activity.

g. Obligation to Refer Pregnant Students for Resourcing

Under Title IX, all University employees to whom a pregnant Student (or person authorized to act on the pregnant Student’s behalf) discloses a pregnancy must inform the Student that the Student has rights related to their Pregnancy or Related Conditions under Title IX and must provide contact information for the Title IX Coordinator. See the OEC’s website at LUC.edu/equity for additional information about compliance with this requirement.

XI. Privacy and Recordkeeping

All Notice and proceedings that arise under the Comprehensive Policy are understood to be sensitive and private. The University will not share the identity of any person who has filed a Complaint of discrimination, sexual misconduct, retaliation, or related offenses; any Complainant; any Respondent; or any witness, except as permitted by or to fulfill the purposes of applicable laws and regulations (e.g., Title IX, Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation or proceeding arising under the Comprehensive Policy.^{19,20} The University also reserves the right to redact or limit information shared with Parties or other persons (including withholding a Preliminary or Final Investigation Report) unless otherwise prohibited by law.

¹⁹ 20 U.S.C. 1232g

²⁰ 34 C.F.R. § 99

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 applicable 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.

The University retains records of allegations, investigations, proceedings, outcomes (including CRP outcomes, appeal outcomes, and other records documenting the responsive actions taken by the University in compliance with Title IX), and materials used for Title IX training compliance for a minimum of seven (7) years. Some records, such as expulsions or employee records, may be retained longer. Records of materials used for training in compliance with Title IX obligations are available for inspection upon request.

A. Unauthorized Disclosure of Information

Parties should exercise caution and care if they choose to discuss their experience outside of the processes referenced under the Comprehensive Policy, as spreading inaccurate information intentionally or maliciously may constitute harassment, retaliation, or other violations.²¹

Except as may be necessary for a Party to discuss allegations or gather and present relevant evidence in the course of a Complaint, Parties and Advisors are prohibited from unauthorized disclosure of information obtained by the University through the processes described within the Comprehensive Policy. To the extent that information is the work product of the University (meaning it has been produced, compiled, or written by the University for the purposes of an investigation or resolution in response to Notice), such unauthorized disclosure is a violation of the Comprehensive Policy. It is also a violation for Parties or Advisors to publicly disclose a Party's personally identifiable information without authorization or consent.

Violating this prohibition may impact the outcome of a pending case, to include dismissal of a Report or Complaint; additionally, Students and faculty or staff employees may be subject to disciplinary action.

B. Federal and State Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities²² under the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (the “Clery Act”) – have a duty to report the following for federal statistical reporting purposes:

- All “primary crimes,” which include all criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- VAWA-based crimes²³, which include sexual assault, domestic violence, dating violence, and stalking; and

²¹ Nothing in this section restricts the ability of Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation); consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the CRP. Additionally, nothing in this section prohibits, prevents, or otherwise limits any Party, witness, or other individual from filing a charge with or participating, testifying, or assisting in any investigation, hearing, or other proceeding before any federal, state, and/or local government agency, or in any legislative or judicial proceeding, nor does anything in this section preclude, prohibit or otherwise limit, in any way, a Party's, witness', or other individual's rights and abilities to contact, communicate with, or report matters to federal, state, and/or local officials for investigation or otherwise participate in any whistleblower program administered by such agencies.

²² Campus Security Authorities include Student affairs/Student conduct staff, campus safety personnel, coaches, athletic directors, residence life staff, human resources staff, Advisors to Recognized Student Organizations, and any other official with significant responsibility for Student and campus activities.

²³ VAWA is the Violence Against Women Act, first enacted in 1994 and codified in part at 42 U.S.C. 13701-14040.

- Arrests and referrals for disciplinary action for weapons-related law violations, liquor related law violations, and drug abuse-related law violations.

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

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

C. Federal Timely Warning Obligations

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

XII. Revision of the Comprehensive Policy

These policies supersede previous policies addressing discrimination, sexual misconduct, and retaliation for incidents occurring on or after August 1, 2024; however, previous policies remain in force for incidents occurring before August 1, 2024. The University reserves the right to revise, update, or otherwise change this Comprehensive Policy at any time as necessary, and once the changes are published online at [LUC.edu/equity](https://luc.edu/equity), they are in effect.

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

Article 2: Preliminary Review (University Response to Notice)

The OEC conducts a timely and impartial Preliminary Review upon any Notice of potential violation of the Comprehensive Policy. The Preliminary Review process typically includes the following:

- Assessing whether the reported conduct may reasonably constitute a violation of the Comprehensive Policy.
 - If the conduct may not reasonably constitute a violation of the Comprehensive Policy, the matter is typically dismissed from this process, consistent with the dismissal provision below. The matter may then be referred to another process, if applicable.
- Determining whether the University has jurisdiction over the reported conduct, as defined in the Comprehensive Policy.
 - If the conduct is not within Loyola's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision below. If applicable, supportive measures may still be offered to Affected Parties.
- Offering and coordinating supportive measures for any Affected Party or Complainant.
- Offering and coordinating supportive measures for a Respondent, where applicable.
- Notifying the Affected Party or Complainant, or the person who reported the allegation(s), of available resolution pathways, including a supportive and remedial response, Alternative Resolution, or the CRP described in Article 3.
- Determining whether an Affected Party wishes to initiate a Complaint.
- Where applicable, notifying the Respondent of the available resolution options, including a supportive and remedial response, Alternative Resolution, or the CRP described in Article 3, if a Complaint is filed.

In some circumstances, a more extensive fact gathering review may be needed as part of the Preliminary Review process.

I. Outreach to Affected Parties

Immediately upon electronic submission of a Report by any person (whether reported by the Affected Party or referred by a third-party) using the [Online Referral/Report Form](#), the reporter is automatically directed to concise information, written in plain language, concerning the rights and resources available to Affected Parties.²⁴ These resources are also publicly available on the OEC website, at LUC.edu/equity.

Unless a Report is anonymous, upon receiving the information, a representative of the OEC (or ODOS for Students) will contact the Affected Party and/or third-party reporter to communicate the availability of supportive measures and describe the available rights and processes that may be applicable to the reported circumstances. The Affected Party will be invited to meet with a representative of the OEC (and/or ODOS, for Students) to consider the Affected Party's wishes with respect to supportive measures, Responsive Interventions, and any Complaint, and to answer any questions concerning the University's applicable policies or procedures. Affected Parties will be informed that supportive measures are available regardless of whether or not they choose to file a Complaint.

II. Supportive Measures

When applicable, Loyola will offer and/or implement appropriate and reasonably available supportive measures for reporters, Affected Parties, Complainants, Respondents, and/or witnesses in response to Notice of alleged discrimination, sexual misconduct, retaliation, or other related offenses.

²⁴ This practice is consistent with the University's obligations under the ILPSVHE Act to provide such information to Students within 12 hours of receiving an electronic report of sexual misconduct.

Supportive measures are non-disciplinary and are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening other Parties, including measures designed to protect the safety of all Parties or the University's education environment, or deter prohibited conduct. The University treats supportive measures as private, provided that privacy does not impair the University's ability to implement the supportive measures. Supportive measures are available independently of whether a Complaint is filed by the Affected Party or the EDEC and are provided at no cost to Parties.

Supportive measures may include, but are not limited to:

- Referring a person to counseling, medical, advocacy, and/or other health services
- Referring a person to the Employee Assistance Program (for faculty and staff employees)
- Mutual restrictions on contact between Parties (see, *Special Supportive Measure: No Contact Directive*, below)
- Advocating to faculty for adjustments to academic deadlines, course schedules, etc.
- Student financial aid counseling
- Education to the community or community subgroup
- Altering campus housing situation
- Altering work locations or arrangements for faculty or staff employees or Student workers
- Safety planning
- Providing transportation/parking assistance
- Referring a person for academic support
- Referring a person for visa or immigration assistance

A. Special Supportive Measure: No Contact Directive

Upon receiving Notice of an alleged violation of the Comprehensive Policy, the EDEC may implement mutually applicable restrictions preventing contact of any kind between two or more Parties. This form of supportive measure, referred to as a No Contact Directive ("NCD"), does not suggest any presumption of responsibility for any alleged violation. NCDs may be implemented at the initiative of the EDEC or at the request of a Complainant, Respondent, or other relevant person, when warranted. In all cases in which a NCD is implemented, the relevant Parties will be promptly informed in writing of the conditions, duration, and applicable parameters of the restriction.

Allegations that a person has violated the terms of a NCD will be reviewed based on the totality of the circumstances. Alleged violations by Students may be referred to the ODOS for expedited adjudication under the Community Standards as a Category B "Failure to Comply" violation (see, [Community Standards](#), section 201(8)). Alleged violations by faculty or staff employees may be referred to Human Resources or the Office of the Provost.

If the alleged violation is substantiated, the violating Party may be subject to a range of outcomes, including additional restrictions, disciplinary action, or other Responsive Interventions.

B. Seeking Modification or Reversal of Supportive Measures

Parties are provided with a timely opportunity to seek modification or reversal of the University's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the EDEC. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures under the Comprehensive Policy and/or applicable laws. The University will also provide Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances change materially. The University typically renders decisions on supportive measures within five (5) business days of receiving a request and provides a written determination to the impacted Party(ies) and the EDEC.

III. Resolution Pathways Available to Affected Parties

Upon contacting an Affected Party, the OEC or ODOS staff will assist the Affected Party in determining if they wish to engage any of three available resolution pathways:

- A supportive and remedial response,
- Alternative Resolution, and/or
- The CRP described in Article 3.

The University will seek to abide by the wishes of the Affected Party but reserves the right to take an alternative approach depending on the EDEC's analysis of the situation.

If the Affected Party only wishes to receive supportive measures and/or other remedial support and the EDEC does not deem it necessary to initiate a Complaint, then the OEC staff (or potentially ODOS staff, in the case of a Student) will work with the Affected Party in an attempt to meet their needs and restore or preserve their right to equal access to the University's Education Program or Activity. The Affected Party may elect to initiate a resolution pathway later, if desired.

If any Party indicates that they want to pursue Alternative Resolution, the EDEC will assess whether the matter is suitable for Alternative Resolution and may refer the matter accordingly.

If the Affected Party elects to file a Complaint and initiate the CRP, and the EDEC determines the Comprehensive Policy applies and the University has jurisdiction, the OEC will assign the matter to an Investigator, will provide the Parties with a Notification of Allegations, and will initiate an investigation consistent with the CRP.

If the Affected Party indicates (either verbally or in writing) that they do not want any action taken, no resolution pathway will be initiated unless deemed necessary by the EDEC. The Affected Party may elect to initiate a resolution pathway later, if desired.

A. EDEC Authority to Initiate a Complaint

If the Affected Party does not wish to file a Complaint, the EDEC, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint on behalf of the University. To make this determination, the EDEC will evaluate the Notice to determine if there is a serious and imminent threat to any person's safety or if the University cannot ensure equal access without initiating a Complaint.

The EDEC will consider the following non-exhaustive factors to determine whether to initiate a Complaint, if applicable:

- The Complainant's request not to initiate a Complaint;
- The Complainant's reasonable safety concerns regarding initiating a Complaint;
- The risk that additional acts of misconduct would occur if a Complaint were not initiated;
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary Sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is a University employee;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple persons;
- The availability of evidence to assist an Investigator in determining whether discrimination occurred; and
- Whether the University could end the alleged misconduct and prevent its recurrence without initiating its resolution process.

If deemed necessary, the EDEC may consult with appropriate University employees, and/or conduct a threat assessment to aid their determination whether to initiate a Complaint.

When the EDEC initiates a Complaint, the EDEC does not become the Complainant. Rather, the Affected Party is invited to participate in the CRP to the extent they are comfortable, and the case proceeds without a Complainant.

IV. Alternative Resolution

Alternative Resolution may be available in certain circumstances prior to reaching a Finding regarding the Respondent's responsibility, when both Parties agree and when the EDEC determines that the matter is appropriate for Alternative Resolution.²⁵ The EDEC has the authority to determine whether Alternative Resolution is available, to facilitate an agreement that is acceptable to all Parties, and/or to accept the Parties' proposed term(s).

General information about the availability of Alternative Resolution may be included in the University's responsive communications to Notice, and Alternative Resolution may also be requested by any Affected Party, Complainant, or Respondent at any time prior to a Finding.

Before initiating Alternative Resolution, the EDEC will ensure the following are explained to all Parties:

- The allegations at hand;
- The requirements of the available Alternative Resolution option(s);
- That, prior to finalizing an agreement, any Party has the right to withdraw from Alternative Resolution and to initiate or resume the CRP;
- That the Parties' agreement at the conclusion of Alternative Resolution will preclude the Parties from initiating or resuming the CRP arising from the same allegations;
- The potential terms that may be requested or offered in Alternative Resolution, including notification that Alternative Resolution is binding only on the Parties; and
- What information the University will maintain, and whether and how it could disclose such information for use in the CRP.

Prior to any Alternative Resolution agreement being finalized, both/all Parties must voluntarily consent to the agreement. The University may not require or compel any Party to participate in Alternative Resolution.

It is not necessary to attempt Alternative Resolution before pursuing the CRP. At any point prior to resolving a matter through Alternative Resolution, any Party may withdraw from the Alternative Resolution process and initiate or resume the CRP with respect to the allegations. However, once an agreement has been reached through Alternative Resolution, the allegations may not be raised again.

Alternative Resolution may be facilitated internally by a trained and qualified University employee who is not the Investigator or Appeal Administrator, or externally by an outside organization, such as the [Center for Conflict Resolution](#), with logistical support provided by the OEC. Parties interested in exploring the possibility of Alternative Resolution should discuss these options with the EDEC, OEC Case Manager, or Investigator.

The OEC maintains records of any agreement reached through Alternative Resolution and will provide notification to the Parties of what information is maintained. Failure to abide by an Alternative Resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the CRP, referral elsewhere for failure to comply, application of the enforcement terms of the agreement). Unless specifically indicated, the results of Complaints resolved by Alternative Resolution are not appealable.

²⁵ Factors that may be considered by the EDEC in assessing the potential for Alternative Resolution include but are not limited to: the Parties' amenability to alternative resolution, power dynamics between the Parties, the nature and severity of the alleged misconduct, the Parties' motivation to participate, civility of the Parties, Parties' disciplinary history, the complexity of the case, and the adequacy/availability of resources (e.g., time, staff).

A. Mediation

Mediation²⁶ is a voluntary, confidential, participant-focused, and structured dialogue facilitated by a neutral and impartial mediator, where Parties' needs and interests are explored without judgement to reach a mutually agreeable resolution.

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

Mediation may also be made available after the resolution of a Complaint, if the Parties and the EDEC believe it could help repair harm.

B. Restorative Justice Conferencing

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

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

RJ may also be made available after the resolution of a Complaint, if the Parties and the EDEC believe it could help repair harm.

C. Directed Discussion

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

When appropriate, the EDEC may approve a directed discussion as a way to communicate the perspective of an Affected Party to a Respondent without engaging the CRP or the Grievance Process. To this end, the EDEC may, after notifying the Respondent that a Complaint has been filed, request a meeting with the Respondent to discuss the Complainant's perspective and requested change in behavior or other responsive action from the Respondent. The Respondent is thereby made aware that the University has received a Complaint involving them, although they will not be subject to disciplinary action. In this manner, a Complainant may communicate their perspective; the Respondent may be made aware of the allegation(s); and the University may satisfy its obligation to address every Complaint equitably and appropriately to the circumstances at hand.

Directed discussions are non-disciplinary in nature, and do not result in Sanctions or other corrective action. However, because a non-disciplinary record is still generated and maintained by the OEC as a result of a directed

²⁶ Mediation as referenced in the Comprehensive Policy is distinct from mediation as provided for under some collective bargaining agreements, the latter of which is not governed by the Comprehensive Policy.

discussion, the Respondent may elect to respond in writing for the record if desired. The response may be shared with the Affected Party, depending on the wishes of the Parties.

D. No Contest Resolution

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

Under the No Contest Resolution process, the available evidence is documented in a Report and both Parties are afforded the opportunity to meet separately with a designated Decision-Maker (from the pool of CPAs) prior to the determination of Sanctions. The Decision-Maker determines appropriate Sanctions based on the uncontested Complaint, the Respondent's disciplinary history within the institution (if any), and the discussions (if applicable) with each Party. The Decision-Maker's determination of Sanctions (only) may be subject to appeal, following the procedure that would have been applicable had the Complaint been resolved through the CRP.

E. Other Negotiated Resolution

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

V. Responsive Interventions: Balancing Individual and Community Interests

At any time in response to Notice, and independent of any Findings and/or Sanctions (if applicable), the OEC may recommend or mandate non-disciplinary Responsive Interventions designed to preserve or enhance the safety and/or inclusivity of the University community. Responsive Interventions are undertaken with balanced consideration for the needs of the individual Parties, the broader University community, and the University as an institution.

In determining how to respond most appropriately and effectively to Notice, the OEC may consider a broad range of information, including but not limited to the information provided in the Notice; other relevant documentation or evidence (such as law enforcement or arrest records); the presence or absence of heightened risk factors (such as indications of predation, threatened or actual violence, weapons, minors, a pattern of alleged misconduct, a potential threat to the safety of the University community, etc.); and the availability of various resources and services throughout the University (such as conflict resolution services or other adjudicative processes).

Responsive Interventions may apply to the Parties or other persons specifically and/or the campus community broadly. Examples of Responsive Interventions may include, but are not limited to:

- Referring a matter to a supervising authority or other University resource (such as the Office of the Dean of Students, Human Resources, or the Office of the Provost)
- Implementation or extension of non-disciplinary, mutually applicable contact limitations (No Contact Directives) between Parties
- Implementation or extension of temporary limitations on University activities and/or access (see below)
- Mandated individual, group, or community training or education
- Administration of climate surveys or other assessments
- Review and/or revision of other University policies or procedures
- Emergency removal (see below)

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

If an Affected Party does not respond to the University's outreach, declines University assistance or intervention, wishes to receive information or supportive measures only, or otherwise declines to file a Complaint, then the OEC may implement appropriate Responsive Intervention on its own or may close the matter without further action.

If the EDEC determines that the alleged behavior falls outside the scope of the Comprehensive Policy or would otherwise more appropriately be addressed by another University department (such as Human Resources or the ODOS), the Report may be referred to the other department to be addressed.

A. Limitations on University Activities and/or Access ("LUAA")

The University may place interim limits or restrictions on a Student, Recognized Student Organization, or faculty or staff employee when, in the judgment of the EDEC and considering the totality of the circumstances, such a measure will help de-escalate a conflict and/or preserve the safety and inclusivity of the University community. Such interim limits or restrictions are communicated to Parties through an instrument known as a Limitation on University Activities or Access ("LUAA").

As a condition of a LUAA, a Student, Recognized Student Organization, or faculty or staff employee may have limited or no access to University facilities or activities, including but not limited to the following: University housing; University campuses (or parts of campuses); specific facilities or information systems of the University; and/or University academic offerings, social activities, programs, or events. The University will determine the parameters of a LUAA on an individualized, case-by-case basis.

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

Additionally, the University reserves the right to place interim limits or restrictions on a faculty or staff employee, or place a faculty or staff employee on paid or unpaid administrative leave.

B. Emergency Removals

The University may remove a Student from the University on an emergency basis when, in the judgment of the EDEC and following an individualized safety and risk analysis, an imminent and serious threat to the health or safety of any Student or other person arises from allegations of misconduct under the Comprehensive Policy.

Students who are removed on an emergency basis may not access any University facility or Education Program or Activity, may not attend class or participate in coursework, and must obtain approval before visiting campus to attend to any University business.

When an emergency removal directive is issued, the restricted Student will be promptly notified and provided the opportunity to request an administrative review of the decision within two (2) business days. When requested by an undergraduate Student, the review will be conducted by the Vice President for Student Development (or designee); when requested by a graduate Student, the review will be conducted by the Vice Provost for Graduate Education (or designee).

A review of an emergency removal is not a hearing or investigation regarding the merits of any underlying allegation(s); rather it is an administrative review of the emergency removal decision alone, to determine whether the removal is appropriate under the circumstances. The University may re-evaluate an emergency removal decision at any time to consider its continued necessity.

Violation of an emergency removal directive issued under the Comprehensive Policy may be grounds for additional informal or formal intervention, including disciplinary action.

When the Respondent is an employee (including faculty or staff employees and Student workers accused of misconduct in the course of their employment), the University reserves the right to remove or suspend the Respondent's employment on an emergency basis in accordance with applicable University policies or collective bargaining agreements.

VI. Complaints

As described above, Affected Parties may be satisfied with receiving resources and supportive measures provided upon the University's response to a Report or Referral, and may not intend or desire to pursue further intervention facilitated by the University. However, in cases where an Affected Party intends to initiate a formal University investigation, adjudication, and potential discipline for alleged misconduct under the Comprehensive Policy, the Affected Party must file a Complaint, and is thereafter referred to as a "Complainant." A Complaint may be initiated for any alleged conduct that, if supported by evidence, would constitute a violation of the Comprehensive Policy by a Respondent.

Complaints must be filed by either (a) the Affected Party, who becomes a "Complainant" upon filing,²⁷ or (b) by the EDEC. A Complaint may be filed in writing or verbally, including through the OEC's [Online Complaint Form](#) (the University's preferred method) or in person, by mail, or by email.

As described in subsection III(A) above, the decision of whether the EDEC will initiate a Complaint irrespective of an Affected Party's wishes is at the discretion of the EDEC and will be undertaken with care and in balanced consideration of the interests of the persons involved, the larger University community, and the institution. When a Complaint is filed by the EDEC, and where not otherwise prevented by law, the identity of the Affected Party (i.e., the potential Complainant) may be withheld from the Respondent when necessary to protect the safety of the Affected Party.

The University's response to Complaints is described in Article 3, below.

²⁷ In cases of an Affected Party/Complainant who is a minor (under the age of 18), a Complaint may also be filed by a parent or legal guardian on behalf of the Complainant.

Article 3: Complaint Resolution Procedure

The University will respond to any Complaint alleging prohibited conduct under the Comprehensive Policy that is made to the OEC or any Responsible Campus Partner by applying the Complaint Resolution Procedure (“CRP”) as described below.

I. When the CRP is Applicable

A. Prohibited Conduct Actionable Under the CRP

The CRP may be applied upon the filing of a Complaint by an Affected Party (referred to as a “Complainant” upon filing the Complaint), or upon the initiation of a Complaint by the EDEC on behalf of the University, that alleges discrimination, sexual misconduct, retaliation, or other related offenses as described in Article 1 of the Comprehensive Policy.

B. Collateral Misconduct

The CRP may also be used to address collateral misconduct when such conduct is prohibited by other University policies, such as the [Community Standards](#) (for Students), the [Faculty Handbook](#) (for faculty), collective bargaining agreements, or the [Employee Staff Handbook](#), as applicable. When such allegations arise from the same facts and circumstances as alleged misconduct prohibited under the Comprehensive Policy, the collateral allegations may be assigned, investigated, and adjudicated jointly under the CRP. However, allegations of collateral misconduct that are unrelated to any alleged violation of the Comprehensive Policy are instead referred elsewhere to be addressed under other University processes, as applicable.

II. General Information

The following information applies to the CRP following processing by the OEC of a Complaint.

A. Standard of Evidence

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

Unless and until a Respondent is determined to be Responsible by a preponderance of the evidence for a policy violation at the conclusion of the CRP investigation, the University operates with the presumption that the Respondent is Not Responsible for violating the Comprehensive Policy.

B. Equitable Treatment of Parties

Complainants and Respondents are treated equitably under the CRP. This means:

- All relevant evidence is evaluated objectively, including evidence that suggests responsibility and evidence that suggests no responsibility.
- Both Complainants and Respondents are expected to speak and write on their own behalf throughout the CRP, unless assistance is needed under an approved disability accommodation.
- Credibility determinations are not to be based on a person’s status as a Complainant, Respondent, or witness.
- Both Complainants and Respondents may request appropriate and reasonably available supportive measures as described in Article 2, subsection II.
- Both Parties whose participation is invited or expected are provided written notification of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the Party to prepare to participate.

- Complainants are provided appropriate remedies where responsibility for an alleged violation is substantiated.
- Respondents are provided a fair and impartial process under the CRP before the imposition of any Sanctions or other Responsive Interventions that are not supportive measures.

C. Ensuring Impartiality

All CPAs who are involved in the facilitation and resolution of the CRP, including the EDEC, Investigators, Administrative Resolution Officers, Appeal Administrators, and Alternative Resolution Facilitators, may neither have nor demonstrate a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent.

The EDEC will vet the assigned CPAs for impartiality by ensuring there are no actual or apparent conflicts of interests or disqualifying biases. Parties may raise a concern to the EDEC regarding bias or a conflict of interest at any time, at which point the EDEC will determine whether the concern is reasonable and supportable. If so, the biased or conflicted person(s) will be removed from involvement with the case and the impact of the bias or conflict, if any, will be remedied. A CPA's actual or perceived Protected Characteristic(s) is not itself grounds for establishing bias. If the source of the conflict of interest or bias is the EDEC, concerns should be raised to the Vice President for Human Resources ("Chief Human Resources Officer") at (312) 915-6175 or HR-WTC@luc.edu.

The CRP involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that suggests Respondent violated policy and evidence that suggests Respondent did not violate policy. Credibility determinations may not be based solely on a person's status or participation as a Complainant, Respondent, or witness. All Parties to a CRP case have a full and fair opportunity through the investigative process to suggest witnesses and questions, to provide evidence, and to receive a written Investigation Report that accurately summarizes the relevant evidence.

CPAs receive training in compliance with the requirements of federal, state, and/or local laws. For more information about CPAs, see Article 1, subsection V(B), *Comprehensive Policy Administrators*.

D. Timely Resolution

The University will make a good faith effort to complete the CRP within six calendar months (approximately 180 calendar days), not including appeals. This timeline may be extended as necessary for good cause. Parties will receive regular updates on the progress of the CRP, as well as notification and a rationale for any extensions or delays.

Estimated time frames for the main phases of the CRP are as follows:

- Preliminary Review/Initial Evaluation of Complaint = 7-21 calendar days
- Investigation (through Notification of Finding) = 60-90 calendar days
- Administrative Resolution/Sanctioning (if Respondent found Responsible) = 30-90 calendar days (varies based on classification of Respondent as Student, faculty, or staff)
- Appeals (if applicable) = 30-60 calendar days

The CRP may be delayed and/or individual time frames may be extended to a limited extent for good cause and with written notification to the Parties of the delay or extension and the reasons therefor. Good cause may include various considerations, including but not limited to, the absence of a Party or witness; extraordinary complexity or scope of the case; concurrent law enforcement activity²⁸; the need for language/translation assistance; or accommodations for disabilities or health conditions.

²⁸ It should be noted that the CRP is entirely distinct from civil or criminal proceedings; accordingly, the CRP is not typically delayed or precluded due to pending civil or criminal charges or the dismissal or reduction of such charges. However, the University seeks to cooperate with law enforcement personnel to ensure that University processes do not interfere with law enforcement activity.

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

E. CRP Advisors (Students Only)

Student Parties (Affected Parties/Complainants and Respondents) may each have one Advisor present with them for any meeting or interview associated with the CRP, including intake meetings. Advisors are strictly optional, and the choice of whether or not to utilize an Advisor is up to each Student Party.

Only Student Parties involved in the CRP may be accompanied by an Advisor, provided that the selection of the Advisor does not cause an undue delay of the CRP.²⁹ It is the responsibility of each Party to coordinate scheduling with their Advisor for any meetings. The University will not delay meetings or proceedings to accommodate an Advisor's availability.

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

An Advisor may be any person of the Party's choosing, including a friend, mentor, relative, attorney, or any other person chosen by a Party. Choosing an Advisor who is also a potential witness (such as a roommate who was present during the alleged incident) creates potential for bias and conflicts of interest. A Party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Investigator.

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. The University will not correspond with a Party through their advisor, even if the advisor is an attorney. An attorney of the University's choosing may also attend any proceeding whenever an attorney serving as an Advisor is present.

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

Advisors are expected to maintain the privacy of any records shared with them, in accordance with the provisions of Article 1, subsection XII(A). 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. Advisors will not be compelled to participate as a witness in any investigation. The University may restrict the role of any Advisor who does not respect the sensitive nature of the CRP or who fails to abide by the University's privacy expectations.

F. Accommodation for Disabilities and Other Needs in the CRP

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

²⁹ Faculty and staff employee Complainants and Respondents may also be accompanied by an Advisor when required by Title IX or otherwise 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. See, Article 3, subsection IX(A), *Title IX Sex-Based Harassment Advisors*, for more information.

Similar consideration may be given for Parties who require language services/interpreters, access to technology used throughout the CRP, and other support deemed necessary and reasonable to facilitate meaningful participation in the CRP.

III. Initial Evaluation and Complaint Processing

A. Receipt and Evaluation of Complaint

Upon filing of a Complaint by an Affected Party (referred to as a “Complainant” following the filing of a Complaint), the University will initiate a prompt Preliminary Review to determine the University’s next steps.³⁰ If the Complaint was filed without a preceding Report or Referral, the EDEC will first contact the Complainant to offer supportive measures, provide information regarding resolution options, obtain any clarifying information that may be needed, confirm the intent of the Complainant to initiate a Complaint, and address any other preparatory needs.

B. Assignment of Investigator(s)

Upon receipt of a Complaint, the EDEC typically appoints one or more Investigators from among the OEC staff to conduct an investigation overseen by the OEC staff. Notwithstanding the foregoing, certain instances (such as conflicts of interest, logistical, or other concerns) may cause the University to utilize an outside consultant or expert to facilitate the investigation. In such instances, all policies, procedures, and standards in the Comprehensive Policy will apply.

C. Notification of Allegations

Before any Investigator initiates contact with the Parties, the EDEC (or designated case manager) provides a written Notification of Allegations (“NOA”) to each Party. Amendments and updates to the NOA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOA will be sent to the department/office/program head for the area/program being investigated.

NOAs typically include the following:

- A summary of the allegations, including the identity of the Parties involved (if known), the nature of the misconduct being alleged, the date and location of the alleged incident(s) (if known), and the specific policies implicated;
- A description of or link to the applicable University procedures;
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence;
- The name(s) of the assigned Investigator or Investigators, along with a process to notify the EDEC of any conflict of interest that the Investigator(s) may have in advance of the interview process;
- A statement that the University presumes the Respondent is Not Responsible for the alleged misconduct unless and until the evidence supports a different determination;
- A statement that determinations of responsibility are made at the conclusion of the CRP and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence;
- A statement that retaliation is prohibited;
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share University work product obtained through the CRP;
- A statement about the availability of Advisors (where applicable);
- A statement informing the Parties that the Comprehensive Policy prohibits knowingly making false statements, including knowingly submitting false information during the CRP;

³⁰ See, Article 2, *Preliminary Review (University Response to Notice)*, above. If the Complaint was preceded by a report or referral, the preliminary review will be conducted in an expedited fashion.

- Information on how a Party may request disability accommodations or other assistive support during the CRP; and
- An instruction to preserve any evidence that is directly related to the allegations.

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

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

To the extent the University has reasonable concerns for the safety of any person as a result of providing a NOA, the University may reasonably delay the NOA to address the safety concern appropriately.

D. Consolidation of Complaints

The University may, but is not required to, consolidate Complaints as to allegations of prohibited conduct under the Comprehensive Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party (including "Counter-Complaints", as defined below), where the consolidated allegations arise out of the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

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

Where the CRP involves more than one Complainant or more than one Respondent, references in Article 3 to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

E. Multiple-Party Cases

In cases involving more than one Respondent or where multiple Complainants have alleged substantially similar misconduct by one or more Respondents, the University reserves the right either to investigate and resolve the allegations jointly, or to investigate and resolve them separately.

In such circumstances, co-Complainants or co-Respondents may obtain access to sensitive information about other co-Complainants or co-Respondents, and all Parties are expected to maintain privacy to ensure the reliability of the investigative process.

Investigators and Administrative Resolution Officers are trained specifically to impartially review distinct sets of facts to negate any prejudicial impact of knowing about multiple, related allegations. In all instances, separate determinations of responsibility will be made for each allegation against each Respondent.

F. Counter-Complaints

The University is obligated to ensure that the CRP is not abused for retaliatory purposes. Although the University permits a Respondent to submit a Counter-Complaint (a Complaint alleging that the Complainant violated the Comprehensive Policy instead of or in addition to the original Respondent), the EDEC will conduct a Preliminary Review, as described in Article 2, to assess whether the Counter-Complaint was made in good faith. When Counter-Complaints are not made in good faith, they will not be permitted; rather, they will be considered potentially retaliatory and may constitute a violation of the Comprehensive Policy.

Counter-Complaints determined to have been made in good faith may be processed using the CRP. Investigation of Counter-Complaints may take place after resolution of the initial Complaint or at the same time, at the discretion of the EDEC.

G. Dismissal of Complaints

The OEC may dismiss a Complaint if, at any time during the CRP, one or more of the following grounds are met:

- 1) The University is unable to identify the Respondent after taking reasonable steps to do so;
- 2) The University no longer enrolls or employs the Respondent;
- 3) A Complainant withdraws any or all of the allegations in the Complaint voluntarily and in writing, and the EDEC declines to initiate a Complaint; or
- 4) The University determines the conduct alleged in the Complaint would not, even if substantiated, constitute a violation of the Comprehensive Policy.

Upon any dismissal, no Finding (neither Responsible nor Not Responsible) is entered, and the OEC will promptly send the Complainant written notification of and rationale for the dismissal. If the dismissal occurs after the Respondent has been made aware of the allegations, the University will also notify the Respondent simultaneously.³¹

IV. Investigations and Findings

The investigation phase of the CRP 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.

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

A. 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 the Investigator in making their Findings.

Formal rules of evidence do not apply to CRP investigations. Investigators will only consider evidence that is relevant and not otherwise impermissible. Relevant evidence is that which may aid the Investigator in determining whether an alleged violation occurred.

Evidence that is impermissible includes the following:

- 1) Evidence that is protected under a privilege as recognized by federal, state, and/or local laws or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality³²;
- 2) A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the University obtains that Party's or witness's voluntary, written consent for use in the CRP³³; and

³¹ If the dismissed Complaint includes one or more allegations of Title IX Sex-Based Discrimination, special provisions may apply to the dismissal. See, Article 3, subsection IX(B), for more information.

³² If the individual to whom the privilege or confidentiality is owed is under 18 years old, then the University must obtain the voluntary, written consent of a parent or legal guardian.

³³ If the Party or witness is under 18 years old, then the University must obtain the voluntary, written consent of a parent or legal guardian.

- 3) Evidence that relates to a Complainant's sexual interests or prior sexual conduct, unless the evidence is offered to prove (a) that someone other than the Respondent committed the alleged conduct, or (b) the evidence is about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged sex-based harassment.³⁴

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining appropriate Sanctions upon a determination of responsibility. Barring a pattern allegation, this information is only considered during the Administrative Resolution (Sanctioning) stage of the CRP.

Illinois is a "two-Party consent" state with respect to surreptitious (or secret) recordings. As such, the University does not encourage or condone eavesdropping or making surreptitious recordings without the consent of the recorded person(s). Making surreptitious recordings may subject the recorder to legal consequences if initiated by the recorded Party.

Within the limitations stated above, the Investigator may consider character evidence, if offered; but such evidence is unlikely to be relevant unless it is grounded in fact (rather than opinion) or relates to a pattern of conduct.

The burden is on the University – not the Parties – to conduct an investigation that gathers sufficient evidence to determine whether a violation of the Comprehensive Policy is substantiated.

The Investigator is responsible for addressing any evidentiary concerns prior to and/or during the investigation, and the Investigator will consult with the EDEC on all questions of procedure and evidence.

B. Interviews of Parties

One of the most critical investigative steps is meeting with and interviewing the Parties. 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 persons who may provide or corroborate relevant information; presenting follow up questions proposed by other Parties; reviewing and exploring available relevant documentation or other physical evidence (including video footage, digital communications, photographs, etc.); and assessing the credibility of the Parties.

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

Parties may also provide a proposed list of questions for the Investigator to ask the other Party. Investigators will review the proposed questions and, if the questions are relevant and not otherwise impermissible, present the questions to the respective Party.

Responses to questions – including a refusal to answer a given question – are noted and included in the Final Investigation Report.

C. Interviews of Relevant Witnesses

Parties have an equal opportunity to propose relevant fact witnesses and relevant questions for the Investigator to consider asking the witnesses.

Upon the Investigator soliciting proposed witnesses, Parties may be asked to explain what relevance they believe each witness has to the allegation(s) under investigation. Investigators are not compelled to interview all presented witnesses, but if an Investigator declines to interview a witness for lack of relevance, the Investigator must provide a rationale for determining that the witness was not relevant.

³⁴ Note that the fact of prior consensual sexual conduct between a Complainant and a Respondent does not by itself demonstrate or imply that the Complainant consented to later sexual conduct.

Parties may also provide a proposed list of questions for the Investigator to ask each witness. Investigators will review the proposed questions and, if the questions are relevant and not otherwise impermissible, present the questions to the witnesses during the interview.

Investigative interviews of witnesses may be conducted in person or remotely/virtually, using available audiovisual technology such as Zoom™. Witnesses are interviewed separately. In some cases, witnesses may also provide written statements in lieu of interviews, but written statements may be afforded limited weight as an Investigator may not be able to assess credibility without interviewing a witness.

Witnesses (as distinguished from Parties) who are faculty or staff employees are required to cooperate with and participate in the University's CRP. Failure of such witnesses to cooperate with and/or participate in good faith in an investigation may violate the Comprehensive Policy and subject the offender to disciplinary action.

Student witnesses and witnesses from outside the University community cannot be required to participate, but all witnesses are encouraged to cooperate and share what they know to help support a safe environment and fair process for all.

Parties may not suggest expert witnesses. In its discretion, the University may consult with experts when deemed necessary by the Investigator and approved by the EDEC.

D. Recording of Interviews

Interviews with Parties and witnesses conducted as part of a CRP investigation are audio recorded and transcribed, and only the written transcripts are included in the case file retained by the OEC. Parties and witnesses are informed in writing and before the interview that such recording is required under the Comprehensive Policy (and in some cases required by law).

No audio or video recording of any kind is permitted by anyone other than the Investigator or OEC personnel during any meetings or interviews associated with the CRP. Transcripts of recorded interviews are included as part of the Preliminary Investigation Report and Final Investigation Report.

Interview 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 CPA involved in the CRP (including Appeal Administrators) upon request.

If a Party or witness refuses to be recorded, they may provide written statements or choose to respond to written questions if deemed appropriate by the Investigator; however, this practice is not preferred.

After a recorded interview, Parties and witnesses are invited to review and verify the accuracy of the transcript. They may submit changes, edits, or clarifications. If a Party or witness does not respond within the designated time period, objections to the accuracy of the recording or transcript will be considered to have been waived and no changes will be permitted.

E. Admissions of Responsibility

The Respondent may admit responsibility for all or some of the alleged policy violations at any point during an investigation or resolution of a Complaint. If a Respondent admits responsibility for all of the alleged misconduct, such an admission may be noted in the case file and adopted as the Investigator's Findings, and the matter may be promptly referred to for Administrative Resolution (Sanctioning). In such circumstances the Respondent waives their right to appeal the Findings, if applicable.

If the Respondent only admits responsibility for some of the alleged violations, then the Investigator notes the admission and focuses the remainder of the investigation on the remaining, contested, allegations. Any such admission will be noted in the case file but distinguished from the Investigator's Findings, and the Respondent retains the right to appeal the Findings, if applicable.

F. Reviewing and Responding to Evidence

Prior to the conclusion of the investigation, Investigators will provide Parties a reasonable opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of such evidence. If a description is provided, Parties may access such evidence upon request. Investigators may draft a Preliminary Investigation Report (“PIR”) that includes or summarizes the relevant evidence.

When a PIR is prepared, Parties are invited (though not required) to review the PIR and provide a written response to the PIR within five (5) business days. Written responses to the PIR may include any additional information or evidence, as well as proposed follow-up questions for other Parties or witnesses. If no written response is provided by a Party within the designated time period, that Party will be considered to be satisfied with the evidence already in the record and will have waived the right to propose further follow-up questions to be asked of the other Party or witnesses.

Upon receiving responses from either Party, the Investigator may share the provided information with the other Party to solicit further response or additional information, or may otherwise conduct further inquiry as needed.³⁵

After the Investigator has satisfied the rights of the Parties to offer additional relevant information or propose relevant, not otherwise impermissible, and not redundant or duplicative follow-up questions, the Investigator concludes the investigation by converting the PIR to a Final Investigation Report as described below.

G. Final Investigation Report and Notification of Findings

Upon the conclusion of the investigation, the Investigator drafts a comprehensive Final Investigation Report (“FIR”), which includes a credibility assessment (when applicable) and a balanced, impartial analysis of the facts as supported by available evidence. Credibility determinations may not be based in any way on a person’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 finalized, the Investigator, EDEC, or other designee, sends the Parties a written Notification of Findings (“NOF”), providing access to review the FIR and informing the Parties of the outcome of the investigation. The University reserves the right to redact or limit information shared with the Parties or other persons, unless otherwise prohibited by applicable law.

If an investigation results in no Responsible Finding, then the Complaint is resolved; if the investigation results in one or more Responsible Findings, then the case is promptly referred for Administrative Resolution as described below.³⁶

V. Administrative Resolution and Appeals

“Administrative Resolution” is a general term used to describe the various processes by which the University determines appropriate Sanctions and/or remedies, after a NOF has been delivered to the Parties. Administrative Resolution processes may be governed by the [Community Standards](#), [Faculty Handbook](#), a collective bargaining agreement, or [Employee Staff Handbook](#), as applicable, depending on the circumstances of the alleged behavior and the classification of the Respondent as a Student, faculty employee, or staff employee.

³⁵ If the Complaint includes one or more allegations of Title IX Sex-Based Harassment, special provisions may apply to process of reviewing and responding to evidence. See, Article 3, subsection IX(C) for more information.

³⁶ If (a) the Complainant is a Student, (b) the Respondent is a University employee, and (c) the Complaint includes one or more allegations of Title IX Sex-Based Harassment, an opportunity for intermediary appeal may be provided before the matter is referred for administrative resolution. See, Article 3, subsection IX(D) for more information.

An “Administrative Resolution Officer” (“ARO”) is a general term to describe trained and qualified persons who have a role in these processes. For cases involving allegations against faculty or staff employees, nothing in this subsection provides additional recourse beyond the processes outlined in the [Faculty Handbook](#), collective bargaining agreements, or [Employee Staff Handbook](#).

At the conclusion of an CRP investigation, Parties are informed of the 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 Administrative Resolution.

A. General Considerations During Administrative Resolution

In each of the formats indicated in Article 3, subsection V(B) below, the following principles apply:

- An investigative Finding may not be modified at the Administrative Resolution phase.
- The purpose of Administrative Resolution is to identify appropriate and proportional Sanctions and/or other Responsive Interventions upon a Responsible Finding that are 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 appropriate Sanctions.
- AROs may consult with the Investigator, EDEC, relevant supervisors, Human Resources personnel, or others to ensure that Administrative Resolution aligns with the University’s values and behavioral expectations.

B. Sanctioning Considerations

Factors that may be considered by the ARO when determining Sanctions for violations of the Comprehensive Policy may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s);
- The Respondent’s disciplinary history or absence thereof;
- The need for Sanctions/responsive actions to bring an end to discrimination, sexual misconduct, retaliation, and/or other related offenses;
- The need for Sanctions/responsive actions to prevent the future recurrence of discrimination, sexual misconduct, retaliation, and/or other related offenses;
- The need to remedy the effects of discrimination, sexual misconduct, retaliation, and/or other related offenses on the Complainant and the community;
- The impact on the Parties;
- The Respondent’s acceptance of responsibility (if applicable); and/or
- Any other information deemed relevant by the ARO.

Sanctions for violations of the Comprehensive Policy may include disciplinary Sanctions (as described below), as well as educational Sanctions (e.g., mandated training, educational programming, or professional coaching), restorative Sanctions designed to repair harm and restore or preserve the rights of Students and employees, and preventative Sanctions (e.g., extending supportive measures or prohibiting access to facilities or participation in educational or social programming). For more information about Sanctions that may be assigned to Students, faculty employees, or staff employees, see the [Community Standards](#), [Faculty Handbook](#), or [Employee Staff Handbook](#), respectively.

Sanctions are not exclusive of, and may be in addition to, other Responsive Interventions or other actions undertaken by the University or imposed by outside authorities.

Sanctions are implemented as soon as feasible following the final resolution of the case (i.e., upon the conclusion of the appeal window, if applicable, or upon the resolution of any appeal if one is requested). Additionally, Parties’ activities and/or access (e.g., participation in commencement, study abroad, internships/externships, access to

workplace, residence halls, or facilities, etc.) may be postponed or restricted on an interim basis pending the resolution of a pending appeal.

C. Administrative Resolution Formats and Appeals 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-worker 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.

Notifications of Administrative Resolution 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, the notification is presumptively delivered.

The University reserves the right to redact or withhold information from Notifications of Administrative Resolution, unless otherwise prohibited by law.

As with Administrative Resolution processes, the availability of appeals may be governed by the Comprehensive Policy, [Faculty Handbook](#), a collective bargaining agreement, or [Employee Staff Handbook](#), as applicable, depending on the circumstances of the alleged behavior and the classification of the Respondent as a Student, faculty employee, or staff employee.

1. *When the Respondent is a Student*

If an investigation of a **Student Respondent**³⁷ results in no Responsible Finding, then no Sanctions are assigned, and either Party may appeal the Findings as described below. If the investigation results in one or more Responsible Findings, then the case is promptly referred for Administrative Resolution as described below.

Upon a Finding by the Investigator that a Student Respondent is Responsible for one or more policy violations, the matter is referred to the Associate Dean for Student Rights, Responsibilities, and Conflict Resolution in the ODOS, who serves as the ARO or delegates the matter to an alternative qualified ARO. The Administrative Resolution phase for Students substantially follows the principles for Sanctions³⁸ 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 Investigator's Findings 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 a bias or conflict of interest exists. 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 and appeal process for Complaints against Student Respondents is as follows:

a. **Disciplinary Sanctions for Students**

Disciplinary Sanctions for a Student Respondent who is found Responsible for discrimination, sexual misconduct, retaliation, and/or other related offenses may include the following (for additional information about these and

³⁷ The administrative resolution format for Students is also utilized when addressing allegations against Recognized Student Organizations.

³⁸ Sanctions are referred to as "assigned outcomes" in the Community Standards.

other Sanctions for Students, please consult the [Community Standards](#)):

- University Warning
- University Probation
- University Suspension
- University Expulsion
- Residence Hall Probation
- Residence Hall Suspension
- Residence Hall Expulsion
- Withholding of Transcript or Degree
- Revocation of Admission or Degree
- Loss of University Privileges
- Recognized Student Organization Sanctions (e.g., suspension, loss of recognition, loss of some or all privileges for a specified period of time, etc.)
- Other Actions (in addition to or in place of those listed above, the University may assign any other Sanctions as deemed appropriate)

b. Notification of Administrative Resolution for Student Respondents

The ARO issues a Notification of Administrative Resolution, which is communicated to all Respondents and Complainants simultaneously and in writing notifying them of the Administrative Resolution decision. The information provided to Respondents and Complainants may not be identical, as the exact details of some actions undertaken may be withheld, unless otherwise prohibited by law. Notifications of Administrative Resolution in cases of Student Respondents include a restatement of the Findings, a summary of and rationale for Sanctions (of which some details may be withheld), and relevant information necessary for the Parties to assess their safety moving forward. Notifications of Administrative Resolution may also include information about eligibility for appeal, where applicable.

c. Appeals for Student Respondents

When the Respondent is a Student, either Party (Complainant or Respondent) may appeal the investigative Findings (whether Responsible or Not Responsible), the Administrative Resolution decision, or both, on the following limited grounds:

- **Procedural irregularity** that would change the outcome;
- **New evidence** that would change the outcome and that was not reasonably available when the Finding or Administrative Resolution decision was made;
- The EDEC, Investigator, or ARO had a **conflict of interest or bias** for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome; and/or
- The **Sanction or Sanctions are disproportionate** to the violation(s).

A concise written appeal request must be submitted by the appealing Party to the OEC as directed in the Notification of Administrative Resolution within five (5) business days following delivery. Notification of and access to appeal requests will be delivered to the non-appealing Party, after which the non-appealing Party may respond in writing to the appeal request. Written responses must be submitted within five (5) business days following delivery of the notification of appeal request. Appealing Parties will receive notification of and access to any responses received, but no further response (i.e., “response to a response”) is permitted. Appeal requests and responses must be submitted by 11:59 PM CST on the respective deadline date.

All appeal requests are reviewed by the EDEC to ensure basic eligibility requirements are met (i.e., timely submission, applicable grounds articulated). If an appeal request does not meet the basic eligibility requirements, the appealing Party will be informed (and if still within the eligible time frame, the appealing Party may resubmit a modified request). If no eligible appeal request has been submitted by the end of the appeals window, the original Findings and Sanctions stand and become final.

Eligible appeal requests (and responses, if applicable) are reviewed by one or more assigned Appeal Administrator(s) from among eligible CPAs to determine the merits of the appeal. If any appeal grounds are substantiated by the Appeal Administrator(s), the appeal will be granted. Otherwise, the appeal will be denied, the matter will be closed, and the original Findings and Sanctions will stand and become final. Appeal Administrators will notify both Parties in writing of the outcome of the appeal.

If the appeal is granted:

- Due to a substantial procedural error or bias, the matter will be remanded to the appropriate Investigator or ARO (or, as in a case of bias, to a new Investigator and/or ARO) for reconsideration to remedy the error;
- Due to the discovery of new evidence not reasonably available at the time of the initial Findings/Administrative Resolution, the matter will be remanded to the appropriate Investigator or ARO for reconsideration in light of the new evidence; or
- Due to a Sanction that is deemed disproportionate to the violations, the Sanction may be administratively modified by the Appeal Administrator or remanded to the appropriate ARO for reconsideration.

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

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

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

2. When the Respondent is a Staff Employee

If an investigation of a **staff employee Respondent** results in no Responsible Finding, then no Sanctions are assigned, and the Complaint is resolved. If the investigation results in one or more Responsible Findings, then the case is promptly referred for Administrative Resolution as described below.

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

When the Respondent is a staff employee, additional information regarding the Administrative Resolution process is as follows:

a. Disciplinary Sanctions for Staff Employee Respondents

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

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

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

b. Notification of Administrative Resolution for Staff Employee Respondents

The ARO issues a Notification of Administrative Resolution, which is communicated to all Respondents and Complainants in writing notifying them that Administrative Resolution has concluded. The information provided to Respondents and Complainants may not be identical, as the exact details of some actions undertaken may be withheld.

c. Appeals for Staff Employee Respondents

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

In cases where the staff Respondent is a non-unionized staff employee, an appealing Respondent must submit a written request for appeal to the Chief Human Resources Officer. The Chief Human Resources Officer or a designee serves as the Appeal Administrator.

In cases where the Respondent is a unionized staff employee, the Respondent should consult the applicable collective bargaining agreement.

3. *When the Respondent is a Faculty Employee*

If an investigation of a **faculty employee Respondent** results in no Responsible Finding, then no Sanctions are assigned, and the Complaint is resolved. If the investigation results in one or more Responsible Findings, then the case is promptly referred for Administrative Resolution, which is administered in accordance with the [Faculty Handbook](#).

For procedural information about faculty conduct, discipline, and appeals of faculty discipline, please refer to the [Faculty Handbook](#) and/or any applicable collective bargaining agreement. Appeals of faculty discipline may be governed exclusively by the [Faculty Handbook](#) and/or a collective bargaining agreement, if applicable, and may only be initiated by the Respondent.

VI. Remedies

Following the conclusion of a Complaint that has resulted in a Responsible Finding by the Respondent, the EDEC may also provide remedies (a form of Responsive Intervention) in consultation with the Complainant, designed to restore or preserve the Complainant's equal access to the University's Education Program or Activity.

Remedies may range from supportive measures to any other responsive action requested by the Complainant and deemed appropriate by the University to repair harm caused by substantiated misconduct, and need not avoid burdening a Respondent. The University will maintain the privacy of any remedies, provided privacy does not impair the University's ability to implement the remedies.

VII. Nonparticipation, Withdrawal, or Resignation Before Complaint Resolution

Should a Respondent decide not to participate in the CRP, the process may proceed absent their participation to a reasonable resolution. If a Respondent withdraws from or leaves employment with the University, the CRP may continue, or the EDEC may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the University may still provide reasonable supportive or remedial measures to others as necessary to address safety and/or remedy any ongoing effects of the alleged violation(s).

Regardless of whether the Complaint is dismissed or pursued to completion of the CRP, the University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects thereof.

A. Withdrawal of Students

When a Student withdraws or leaves the University with unresolved allegations pending, the Student may not return to the University in any capacity until the Complaint is resolved and any resulting Sanctions are satisfied. If the Student confirms in writing that they will not seek to return in the future, the Administrator may dismiss the Complaint and notify appropriate University offices that the Student is ineligible to re-enroll.

If the Student Respondent intends to leave only for a specified period of time (e.g., one semester or term), the CRP may continue, with or without the Respondent's remote or in-person participation. If found Responsible, that Student is not permitted to return to the University unless and until all Sanctions, if any, have been satisfied.

B. Resignation of Faculty and Staff Employees

When a faculty or staff employee Respondent leaves employment with unresolved allegations pending, the Complaint may be dismissed, and the employee may not return to the University in any capacity. Appropriate University offices will be notified accordingly, and a note will be placed in the employee's personnel file that they resigned with allegations pending and are not eligible for academic admission or rehire with the University.

VIII. Monitored Compliance with Sanctions and Responsive Interventions

All persons and other involved organizations and/or departments are expected to comply fully with any Sanctions and/or Responsive Interventions (including remedies, where applicable) within the timeframes specified. The implementation and monitoring of such outcomes are primarily the responsibility of the OEC; however, assistance and coordination may be provided by other CPAs to ensure overall University compliance. Supervisors are expected to enforce the completion of Sanctions/Responsive Interventions applicable to their employees or business units.

Failure to comply with Sanctions and Responsive Interventions, whether by refusal, neglect, or any other reason, may result in additional disciplinary action, which may result in additional or increased Sanctions or other Responsive Interventions, up to and including suspension, expulsion, and/or termination from the University, and which may be noted in a person's disciplinary or employment record.

A suspension will only be lifted when compliance with all Sanctions is demonstrated to the satisfaction of the EDEC or designee and may warrant informing Complainants who have a continuing education interest at Loyola of the Respondent's status change as needed.

IX. Special Provisions for Complaints Involving Title IX Allegations

In some CRP cases where at least one allegation implicates Title IX Sex-Based Discrimination, certain special procedural provisions may apply as required under Title IX.³⁹ For more information about Title IX, see Appendix A, subsection I. When applicable to the case at hand, Parties will be notified of the following special provisions:

A. Title IX Sex-Based Harassment Advisors

In CRP cases where both (a) at least one allegation of Title IX Sex-Based Harassment (as defined in Article 1, subsection III) has been alleged, and (b) at least one of the Parties (Complainant or Respondent) is a Student, *any* Party – not only Student Parties – may be accompanied by an Advisor of their choosing. All terms and conditions otherwise applicable to Advisors in Article 3, subsection II(E), apply equally to all Advisors, regardless of whether the Party is a Student or a faculty or staff employee.

B. Appeals of Title IX Dismissals

As described in Article 3, subsection III(G), the OEC may dismiss a Complaint in certain specific circumstances. In such cases, no Finding (neither Responsible nor Not Responsible) is entered.

Only in cases where a Complaint is dismissed that involves one or more allegations of Title IX Sex-Based Discrimination (hereafter referred to as a “Title IX dismissal”), then upon notification to either Party, the Party may appeal the Title IX dismissal within three (3) business days, subject to the parameters below.

The EDEC will notify the Parties of any appeal of a Title IX dismissal. If, however, the Complainant appeals a Title IX dismissal that occurred before the Respondent was notified of the allegations, then the Respondent will be provided a modified Notification of Allegations, which will include information about the Title IX dismissal, Complainant’s appeal, and an opportunity to respond.

Throughout the Title IX dismissal appeal process, the University will:

- Implement appeal procedures equally for the Parties;
- Assign a trained Appeal Administrator who did not take part in the underlying investigation or Title IX dismissal;
- Provide the Parties a reasonable and equitable opportunity to make a statement in support of or challenging the Title IX dismissal; and
- Notify the Parties of the result of the appeal and rationale for the result.

The grounds for appealing Title IX dismissals are limited to:

- 1) **Procedural irregularity** that would change the outcome;
- 2) **New evidence** that would change the outcome and that was not reasonably available when the Title IX dismissal was decided; or
- 3) The EDEC or Investigator had a **conflict of interest or bias** for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Requests for such appeals should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a request for appeal from one or more Parties, the EDEC will share the request with all other Parties and provide three (3) business days for the other Parties and/or the OEC to

³⁹ Some special provisions only apply where Title IX is implicated and one of the Parties is a Student. When a Complainant or Respondent is both a Student and an employee (i.e., Student worker), the EDEC will make a fact-specific inquiry to determine whether the special provisions apply. In making this determination, the EDEC will consider whether the Party’s primary relationship with University is to receive an education and whether the alleged misconduct occurred while the Party was performing employment-related work.

respond to the request. At the conclusion of the response period, the EDEC will forward the appeal, as well as any response provided by the other Parties and/or the OEC to the Appeal Administrator for consideration.

If the request for appeal does not provide information that meets one or more grounds, the Appeal Administrator will deny the request, and the Parties, their Advisors, and the EDEC will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal request are satisfied, then the Appeal Administrator will notify all Parties and their Advisors, and the EDEC, of the decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals of Title IX dismissals are confined to a review of the written case record and pertinent documentation regarding the specific appeal grounds. The Appeal Administrator has ten (10) business days to review and decide on the appeal, though extensions may be granted at the EDEC's discretion, and the Parties will be notified of any extension.

Appeal Administrators are deferential to the original Title IX dismissal decision, making changes only if there is a compelling justification to do so. Outcomes of appeals of Title IX dismissals are final and not subject to further review.

C. Title IX Sex-Based Harassment Investigative Follow-up Interviews

In CRP cases where both (a) at least one allegation of Title IX Sex-Based Harassment (as defined in Article 1, subsection III) has been alleged, and (b) at least one of the Parties (Complainant or Respondent) is a Student, the Investigator must also conduct follow-up interviews with Parties or witnesses as needed to present any follow-up questions proposed by a Party that are deemed to be relevant, not otherwise impermissible, and not redundant or duplicative. Such follow-up interviews will be recorded and the transcription added to the PIR, and Parties will be provided further opportunity to review and respond to the additional information.

To avoid excessive delay, the number of rounds of follow-up interviews after the initial delivery of the PIR to both Parties will be presumptively limited to a maximum of two (2). However, additional rounds of follow-up interviews may be conducted if requested by a Party and deemed necessary by the EDEC.

D. Intermediary Appeals for Title IX Sex-Based Harassment Involving a Student Complainant and an Employee Respondent

In CRP cases where (a) the Complainant is a Student, (b) the Respondent is a faculty or staff employee, and (c) the Complaint alleges one or more forms of Title IX Sex-Based Harassment, either Party (Respondent or Complainant) may request an intermediary appeal of the OEC's Findings prior to Administrative Resolution. Intermediary appeals will be reviewed by an Intermediary Appeal Administrator.

Upon resolution of an intermediary appeal, the Findings of the OEC will be final and not subject to further appeal.

1. Requesting an Intermediary Appeal

Intermediary appeal requests must be submitted to the OEC within five (5) business days of the Notification of Finding. Upon receipt of an intermediary appeal request, Administrative Resolution will be stayed until the resolution of the intermediary appeal.

Following the conclusion of the intermediary appeal window, if a timely intermediary appeal request is received from any Party, all other Parties are provided notification of and access to the appeal request(s) and any supporting documentation provided. Any non-appealing Party then has five (5) business days to respond in writing, if desired. Appealing Parties will receive notification of and access to any responses received, but no further response (i.e., "response to a response") is permitted. Intermediary appeal requests and responses must be submitted by 11:59 PM CST on the respective deadline date; requests and responses received thereafter will not be accepted or considered.

At the end of the intermediary appeal window, if no timely intermediary appeal request has been received, the original Findings stand and become final within the University.

2. Grounds for Intermediary Appeal

Where applicable, intermediary appeals may be requested by either Party on the following grounds:

- **Procedural irregularity** that would change the outcome;
- **New evidence** that would change the outcome and that was not reasonably available when the Finding was made; and/or
- The EDEC or Investigator had a **conflict of interest or bias** for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

3. Intermediary Appeal Review Process

Intermediary appeal requests and responses are assigned to and reviewed by an Intermediary Appeal Administrator who is trained and qualified to serve in that role. The Intermediary Appeal Administrator will not have been previously involved in the CRP for the Complaint, including in any supportive measure challenge or appeal of Title IX dismissal that may have been decided earlier in the process. The Intermediary Appeal Administrator may consult with the EDEC and/or Investigator at any time and for any reason, if needed.

The Intermediary Appeal Administrator's responsibility is strictly limited to determining if, based on the applicable appeal grounds, there is cause for the original Finding to be modified, overturned, or remanded. Decisions by the Intermediary Appeal Administrator are deferential to the original decision, which may be modified or overturned only when there is clear error and a compelling justification. An intermediary appeal is not an opportunity for the Intermediary Appeal Administrator to substitute their judgment for that of the Investigator merely because the Intermediary Appeal Administrator disagrees with the Findings.

During the intermediary appeal process, any opportunity provided to either Party to review or respond to appeal documents, meet with the Intermediary Appeal Administrator, or otherwise participate in the process will be provided equally to the other Party or Parties.

4. Intermediary Appeal Decisions

An intermediary appeal may be granted or denied. Intermediary appeals that are granted are typically remanded (or partially remanded) to the original Investigator with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator or the EDEC (as in cases of conflicts of interest or bias), the Intermediary Appeal Administrator may order a new investigation and/or a new determination with a new CPA serving as Investigator.

A Notification of Intermediary Appeal Decision ("NIAD") will be sent to all Parties without significant time delay between notifications. The NIAD will specify the appeal decision on each appeal ground presented, any specific instructions for remand or reconsideration, and the rationale supporting the decision.

NIADs may be delivered by one or more of the following methods: in person, mailed to a Party's local or permanent address indicated in official institutional records, or emailed to the Party's University email or otherwise approved account. Once mailed, emailed, and/or received in person, the NIAD will be presumptively delivered.

Except in the case of a new Finding, once an intermediary appeal is decided, the outcome is final. When an intermediary appeal results in a new Finding that is different from the initially appealed determination, that Finding may be appealed one final time on the grounds listed above and in accordance with these procedures.

X. Revision of the CRP

These procedures supersede previous procedures for addressing discrimination, sexual misconduct, and retaliation; however, previous procedures remain in force for incidents of Title IX Sex-Based Discrimination (only) occurring before August 1, 2024. The University reserves the right to revise, update, or otherwise change this

Comprehensive Policy at any time as necessary, and once the changes are published online at [LUC.edu/equity](https://luc.edu/equity), they are in effect.

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

Approved and published, effective August 1, 2024.

Appendix A – Related Policy Statements

I. Title IX and Title VI Policy Statement

Loyola adheres to all federal, state, and local civil rights laws prohibiting discrimination and harassment in employment and education, including Title IX of the Educational Amendments of 1972 and Title VI of the Civil Rights Act of 1964, as administered by the Office for Civil Rights of the Department of Education. Loyola does not discriminate in its admissions practices, employment practices, or Education Program or Activity on the basis of sex, race, color, or national origin, except as may be permitted by law.

As a recipient of federal financial assistance, Loyola is required by these laws to ensure that all of its Education Program or Activity do not discriminate on the basis of sex (under Title IX) or race, color, or national origin (under Title VI).

Sex includes sex, sex stereotypes, sex characteristics, gender identity, sexual orientation, and Pregnancy or Related Conditions. Sex discrimination is prohibited under Title IX and Loyola’s Comprehensive Policy, and includes sex-based harassment, sexual assault, dating and domestic violence, stalking, *quid pro quo* harassment, hostile environment harassment, disparate treatment, and disparate impact discrimination.

National origin includes shared ancestry or ethnic characteristics, such as persons from Jewish, Palestinian, Muslim, Arab, and/or South Asian descent, as well as citizenship or residency in a country with a dominant religion or distinct religious identity, and association with such a national origin/shared ancestry. Discrimination based on race, color, or national origin is prohibited under Title VI and Loyola’s Comprehensive Policy, and includes discriminatory harassment, hostile environment harassment, disparate treatment, and disparate impact discrimination.

Loyola also prohibits retaliation against any person opposing discrimination or harassment or participating in any internal or external investigation or Complaint process related to allegations of such discrimination or harassment.

Any Loyola faculty member, employee, or Student who acts to deny, deprive, or limit the education, employment, residential, or social access, opportunities, or benefits of any member of the Loyola community on the basis of these Protected Characteristic(s) is in violation of the Comprehensive Policy.

Any person may report discrimination or harassment (whether or not the person reporting is alleged to have experienced the conduct) in person, by mail, by telephone, by video, or by email, using the contact information for the Office for Equity & Compliance, listed below. A Report may be made at any time (including during non-business hours) by completing an [Online Referral/Report Form](#) (additional information available at LUC.edu/equity).

Within any Resolution Process related to the Comprehensive Policy, Loyola provides reasonable accommodations to persons with disabilities and religious accommodations, when such accommodations are consistent with federal, state, and/or local laws.

Questions regarding Title IX, including its application and/or concerns about noncompliance, should be directed to the Title IX Coordinator. For a complete copy of the Comprehensive Policy or more information, please visit LUC.edu/equity or contact the Title IX Coordinator.

A. Contact Information for the Title IX Coordinator and Deputy Title IX Coordinators

Every educational institution receiving federal financial assistance must designate a “Title IX Coordinator” to carry out the institution’s obligations under Title IX. At Loyola, the Executive Director for Equity & Compliance is the Title IX Coordinator and is assisted in this function by Deputy Title IX Coordinators and other staff in the Office for Equity & Compliance (“OEC”) and Office of the Dean of Students.

The OEC is located on the Lake Shore Campus, in Granada Center, Suite 403 (6439 N. Sheridan Rd., Chicago, IL 60626). The OEC is open Monday-Friday from 8:30 AM – 5:00 PM (except for University holidays). The OEC phone number is (773) 508-7766, and email address is equity@luc.edu.

Contact information for the Title IX Coordinator and Deputy Title IX Coordinators is as follows:

Title IX Coordinator

Timothy Love, Executive Director for Equity & Compliance
Office for Equity & Compliance
direct (773) 508-3733
tlove@luc.edu

Deputy Title IX Coordinator

Nika Arzoumanian, Equity Investigator
Office for Equity & Compliance
direct (773) 508-3784
narzoumanian@luc.edu

Deputy Title IX Coordinator

Karolina Bartosik, Equity Investigator
Office for Equity & Compliance
direct (773) 508-8694
kbartosik@luc.edu

Deputy Title IX Coordinator

Meghan Tobin, Equity Investigator
Office for Equity & Compliance
direct (773) 508-3824
mtobin8@luc.edu

Deputy Title IX Coordinator

Samantha Maher Sheahan, Associate Dean of Students
Office of the Dean of Students
Damen Student Center 3rd Floor, 6511 N. Sheridan Rd., Chicago, IL 60626
office (773) 508-8840
direct (773) 508-3618
smaher1@luc.edu

A person may also file a complaint with the appropriate federal, state, and/or local agency within the time frame required by law. Depending on the nature of the complaint, the appropriate agency may be the U.S. Department of Education Office for Civil Rights, the Equal Employment Opportunity Commission, U.S. Department of Health and Human Services Office for Civil Rights, and/or another appropriate federal or state agency.

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
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

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

Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Customer Response Center: (800) 368-1019
TDD: (800) 537-7697
ocrmail@hhs.gov
www.hhs.gov/ocr

To raise any concern or conflict of interest regarding the Title IX Coordinator, or to report any alleged misconduct or discrimination committed by the Title IX Coordinator, contact the Vice President for Human Resources (“Chief Human Resources Officer”) at (312) 915-6175 or HR-WTC@luc.edu. To raise concerns regarding a potential conflict of interest with or allegation of misconduct by any other administrator involved in the administration of the Comprehensive Policy, please contact the Title IX Coordinator.

II. Illinois Preventing Sexual Violence in Higher Education Act Policy Statement

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

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

A. Nearest Medical Facilities

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

Please note that although medical treatment is available regardless of the time since the incident, an evidence collection kit may be offered only within seven (7) calendar days of an assault, and certain specific medical support may only be available if administered within 72 hours of the incident. The following are medical facilities and/or agencies nearest to each campus where an Affected Party may ask for a “sexual assault advocate,” support, or other services upon check-in.

- Lake Shore Campus:
Thorek Memorial Hospital Andersonville, 5025 N. Paulina St., Chicago, IL 60640, phone: (773) 271-9040
- Water Tower Campus:
Northwestern Memorial Hospital, 251 E. Huron St., Chicago, IL 60611, phone: (312) 926-2000
- Health Sciences Campus:
Loyola University Medical Center, 2160 S 1st Ave, Maywood, IL 60153, phone: (888) 584-7888
- John Felice Rome Center:
Policlinico Universitario Agostino Gemelli, Largo Agostino Gemelli, 00136 Roma, Italia, phone: +39-06-30151

- Loyola University Retreat and Ecology Center (LUREC):
 - (advocacy) The CARE Center in Crystal Lake, 104 Minnie St. Crystal lake, IL 60014, phone: (815) 671-4004
 - (evidence collection) Emergency Room, 4201 Medical Center Dr. McHenry, IL 60050, phone: (815) 344-5000
- Cuneo Mansion and Gardens:
 - (advocacy) Zacharias Sexual Abuse Center, 4275 Old Grand Ave., Gurnee, IL 60031, phone: (847) 872-7799
 - (medical care) Advocate Condell Medical Center, 801 S Milwaukee Ave, Libertyville, IL 60048, phone: (847) 362-2900

B. Local Law Enforcement Contact Information

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

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

- [Greenlight Family Services](#) (confidential counseling): 773-750-7077
- [Resilience](#) (Chicago-based, confidential resource): 312-443-9603
- YWCA Chicago Rape Crisis Hotline:
 - 888-293-2080 in Chicago Metropolitan Area
 - 630-971-3927 in DuPage County
 - 708-748-5672 in the South Suburbs
- Illinois Coalition Against Sexual Assault (ICASA):
 - [Find a rape crisis center in Illinois](#)
- RAINN National Sexual Assault Hotline: 800-656-HOPE (4673)
 - online.rainn.org
 - online.rainn.es (Spanish language services)

III. Illinois Abused and Neglected Child Reporting Act Policy Statement

Illinois law requires certain persons, called “mandated reporters”, to immediately report suspected child abuse or neglect to the Illinois Department of Child and Family Services (IDCFS) Child Abuse Hotline at 1-800-25-ABUSE.

Under the law, all “personnel of institutions of higher education” are mandated reporters and must immediately report any instance where there is reasonable cause to believe that a child known to them in their official capacity may be abused or neglected. This means that all University faculty, staff, and other employees, regardless of rank or compensation status, are mandated reporters.

Consistent with the law, Loyola thus requires all University faculty, staff, and other employees to immediately report to IDCFS if they have reasonable cause to believe a child known to them in their official capacity may be abused or neglected.

In addition, Loyola encourages any person who is not a mandated reporter to report abuse to IDCFS if they have reasonable suspicion that a child has been abused or neglected.

Failure by a mandated reporter to immediately report suspected instances of child abuse or neglect to IDCFS constitutes a Class A misdemeanor. Moreover, reporting suspicions to any other person – but not to IDCFS – does not satisfy the legal duty to report. The only means of fulfilling one's legal obligation and avoiding legal penalty is to report the suspected child abuse or neglect to IDCFS.