

PROCEDURES FOR ADDRESSING DISCRIMINATION, HARASSMENT, AND NON-TITLE IX SEXUAL MISCONDUCT COMPLAINTS

I. INTRODUCTION

The University of Illinois at Urbana-Champaign (“University”) is committed to ensuring that its learning and working environments are free from all forms of discrimination and harassment. These Procedures outline the resolution processes that will be used to investigate and/or resolve a report of harassment and/or discrimination under the Nondiscrimination Policy and all provisions of the Sexual Misconduct Policy (Unwelcome Sexual, Sex or Gender-Based Conduct, Sexual Exploitation, or Retaliation) except Title IX Sexual Harassment. Allegations of Title IX Sexual Harassment, as defined in the Sexual Misconduct Policy, are governed by the Procedures for Addressing Title IX Sexual Harassment Complaints.

The Office for Access and Equity (“OAE”) investigates complaints in which a complainant alleges that a staff member, faculty member, student employee, or third party (e.g., anyone conducting business with the University or visiting the University) violated the Nondiscrimination Policy or the above referenced portions of the Sexual Misconduct Policy.

The Office for Student Conflict Resolution (OSCR) investigates complaints against students when the alleged conduct occurs in their capacity as students or as student organizations. Individuals who believe they have been subjected to misconduct by a student in violation of the Student Code should contact the Office for Student Conflict Resolution at (217) 333-3680 or conflictresolution@illinois.edu. Complaints referred to the Office for Student Conflict Resolution shall be investigated and resolved pursuant to Student Disciplinary Procedures.

II. SCOPE

Persons who believe that they have been subjected to discrimination in violation of the Nondiscrimination Policy or the above enumerated provisions of the Sexual Misconduct Policy may file a complaint using these procedures. These procedures may be invoked for alleged violations of the Nondiscrimination Policy by current and former students, applicants and prospective applicants, current employees, former employees, and visitors (who have a formal relationship with the University) to the campus. These procedures may be invoked for alleged violations of the Sexual Misconduct Policy by any person asserting a violation by a past or present University employee. These procedures govern conduct that occurs on and/or off campus or that impacts the educational or work experience of a member of the University community when committed by an employee in his/her/their University capacity. In particular, off-campus conduct is subject to the Procedures if: 1) the conduct occurred in the context of an educational program or University-sponsored activity; or 2) the conduct has or had a continuing adverse effect on campus or in an off-campus education program or activity.

The University has an obligation to respond to information of which it becomes aware, whether received directly or indirectly. The University may initiate an investigation that involves potential discrimination and/or harassment even when no formal or informal complaint has been filed.

These procedures are intended to be the exclusive procedures used for complaints against University employees and visitors who have a formal relationship with the University (regardless of the status of the complainant) alleging violations of the Nondiscrimination Policy and the above enumerated portions of the Sexual Misconduct Policy.

If a party is under the age of 18, a parent or legal guardian will receive written notice of a Formal or Informal complaint. Nothing in these procedures may be read in derogation of the legal rights of a parent or guardian to act on behalf of a Complainant, Respondent, Party, or other individual.

III. DEFINITIONS

- a. **Appeal:** A request by the complainant or respondent to reconsider the case in instances where the party has met the requirements of an appeal.
- b. **Appeal body:** The panel of University faculty and/or staff who are responsible for reviewing the appeal to determine the merits of the case and whether the outcome should be upheld, overturned, or remanded.
- c. **Complainant:** A person who claims to have been or is reported to have been subject to a violation of the Nondiscrimination Policy or the above enumerated portions of the Sexual Misconduct Policy.
- d. **Confidential Advisor:** As defined by the Preventing Sexual Violence in Higher Education Act, a Confidential Advisor is a person who is employed or contracted by the University to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities described in Section 20 of the Preventing Sexual Violence in Higher Education Act.
- e. **Days:** Calendar days
- f. **Director:** The director of the Office for Access and Equity.
- g. **Employee:** Any individual who performs services for the University in exchange for pay, benefits, or University affiliate status, including but not limited to: tenure and tenure track faculty, specialized faculty, academic professionals, visiting academic professionals, residents, civil service personnel, extra-help personnel, academic hourly personnel, graduate assistants (including teaching assistants and research assistants), pre-professional graduate assistants, pre and postdoctoral research associates, and undergraduate or graduate hourly students, and visiting scholars.
- h. **Formal Investigation:** The process for investigating complaints filed pursuant to the Nondiscrimination Policy and/or Sexual Misconduct Policy as outlined in these Procedures. A Formal Investigation can be initiated by a complainant or by the University. An investigation is not a legal or disciplinary proceeding and does not determine guilt or innocence pursuant to any local, state or federal law. A Formal Investigation does not adhere to the same rules that govern a legal or disciplinary proceeding.
- i. **Informal Resolution Process/Informal Investigation:** The process for resolving complaints of discrimination and/or harassment outside of the formal investigative process. Informal resolutions are designed to facilitate a mutually satisfactory resolution. Examples of informal resolutions can include, but are not limited to, development of action plans and voluntary resolutions.
- j. **Interim measures:** Temporary, non-punitive actions taken prior to the completion of an informal resolution or formal investigation to address concerns regarding either party's safety or well-being, continued access to the University's employment or education programs and activities, the safety or educational or work climate for third parties on campus, and/or the integrity of the investigative or response process.
- k. **Investigator:** An OAE staff person, or designee, assigned to conduct an investigation pursuant to these Procedures. The investigator will gather information and evidence, determine which of the

information and evidence is relevant to the allegations, conduct an analysis of the relevant information, and determine whether the alleged conduct violated the Nondiscrimination Policy and/or Sexual Misconduct Policy based on the information and evidence gathered. The investigator is neutral and does not act as an advocate for either party.

- l. **[The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(Clery Act\)](#)** is a federal mandate requiring all institutions of higher education that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Act requires that Campus Security Authorities (CSAs) report Clery Act-qualifying crimes that occur on campus, in public areas bordering campus, and in certain non-campus buildings owned or leased by the university.
- m. **Preponderance of the Evidence Standard:** The standard of review for determining if a violation of policy occurred. In determining if a policy violation occurred the investigator must consider if the evidence gathered substantiates that the alleged conduct is more likely or less likely to be true than the evidence to the contrary.
- n. **Report:** The written document that is generated at the conclusion of the Formal Resolution Process.
- o. **Respondent:** The person or persons who the complainant or the University identifies as alleged to be responsible for the conduct.
- p. **Support Person:** An individual identified by the complainant or respondent to advise and/or accompany the complainant/respondent to meetings, assist the complainant/respondent with the interpretation of University policies and/or these Procedures, and/or provide the complainant/respondent guidance throughout the process. A support person cannot be a supervisor, another complainant, another respondent, or a witness.
- q. **Witness:** An individual who is believed to have direct experience with or knowledge of events, issues, or circumstances related to the investigation as determined by the complainant, respondent, or investigator. To protect the privacy of all who are involved in the investigation process (including complainants, respondents, and witnesses), and to protect the integrity of the investigation process, witnesses involved in the investigation are required to keep information learned during the investigation confidential and are asked not to share such information with a third party.
- r. **Clearly erroneous standard:** The standard of review for the appeal panel in determining if a mistake has been made in the determination of the case. The appeal panel is charged with overturning or remanding a determination only if they are left with a definite and firm conviction that a mistake has been committed.

IV. COMPLAINT RESOLUTION PROCEDURES

a. PRELIMINARY INQUIRY

Upon receipt of a report alleging a violation of the Nondiscrimination Policy or the Sexual Misconduct Policy, OAE staff will typically schedule a meeting, preferably in-person, for an investigator to meet with the prospective complainant (if identified). The purpose of the meeting is intended to provide the prospective complainant with campus and community resources, an explanation of the process as delineated within this section, identify interim measures (when applicable), gather information about the reported conduct and the individuals involved, determine the University's obligation to proceed with an investigation, establish if OAE has jurisdiction over the matter, and discuss whether the prospective complainant wishes to participate in an informal or formal investigation, or not proceed with any action.

Upon receipt of an allegation or notice to OAE of an alleged violation of the Nondiscrimination Policy or the above enumerated sections of the Sexual Misconduct Policy, the University initiates this resolution process, which involves a prompt preliminary inquiry to determine if there is reasonable cause to believe

that either the Nondiscrimination Policy or the above enumerated sections of the Sexual Misconduct Policy has been violated.

If so, the University will initiate one of three responses: a remedial response; an informal resolution; or a formal resolution. The investigation and resolution process determine whether the Policy has been violated. If so, the University will promptly implement remedies designed to end the discrimination, prevent its recurrence, and address its effects.

Following an investigatory meeting with any party or witness suggested by a party, the party or witness will be provided with a copy of the investigators meeting notes and afforded the opportunity to clarify any issues which the party or witness believes were incorrectly recorded.

b. Requests for Anonymity or No Action

To protect both the complainant and the respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or complaint.

If the complainant request that their name or other identifiable information not be shared with the respondent, or request that the University take no formal action in response to a report, the investigator, their direct supervisor, and the Title IX Coordinator (in reports involving the above enumerated types of sexual misconduct) shall evaluate such request and notify the complainant of the University's response to their request.

The University will honor the complainant's request for anonymity to the extent possible based on a careful balancing of the request with any legal reporting requirements, the risk of harm to any individual and the University's duty to maintain a safe and non-discriminatory environment for all.

If the University honors the request for anonymity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against a respondent may be limited. The University will take other appropriate steps to eliminate any such discrimination or harassment, prevent its recurrence and remedy its effects on the complainant and the University community. Those steps may include offering appropriate remedial measures to the complainant and/or providing targeted training, prevention programs, educational conversations with the respondent and/or department.

If the University is unable to honor the request for anonymity or the request that the University take no formal action in response to a report, the University may be obligated to move forward with a University-initiated investigation and potential disciplinary action. The investigator, his/her/their direct supervisor will assess requests for the University to take no formal action. In cases involving alleged violations of the Sexual Misconduct Policy the investigator, his/her/their direct supervisor will assess requests for the University to take no formal action with the involvement of the Title IX Coordinator.

They will consider, but are not limited to considering, the seriousness of the reported conduct, whether the reported misconduct was perpetrated with a weapon, violence, or threat of harm, or through the use of substances with the intent to incapacitate the complainant, the respective ages and roles of the complainant and respondent, whether there have been other reports of harassment or discrimination by the respondent. They will also consider whether the University possesses other means to obtain relevant evidence, whether the report reveals a pattern of perpetration at a given location or by a particular group, the safety risk to the University community, and the rights of the respondent to receive notice and relevant information before disciplinary action is initiated.

c. INFORMAL RESOLUTION PROCESS

The Informal Resolution Process involves action taken by the University in response to a report of discrimination or harassment when the complainant does not desire a Formal Investigation or when there is not enough information to proceed with a Formal Investigation.

In appropriate cases, the University may pursue alternative resolution with the consent of all parties at any point in the investigation process. These resolution options may include, but are not limited to, facilitated dialogue, development of an action plan, and voluntary resolutions. Under alternative resolution, the complainant will not be required to resolve the problem directly with the respondent, unless desired by the complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process.

Following the preliminary inquiry, a complainant may elect to invoke either an Informal Resolution Process or a Formal Investigation. There is no requirement that a complainant first proceed with the Informal Resolution Process before pursuing a Formal Investigation and at any point during the Informal Resolution Process, the complainant may request a Formal Investigation. The Informal Resolution Process will not be employed when the allegations involve sexual, dating, or domestic violence. Face to face mediation may not be used in cases where the complaint is made against an employee with a position of authority over the complainant.

As a part of the evaluation of the appropriateness of an informal resolution an investigator may engage in investigative activities. This includes, but is not limited to, gathering evidence, interviewing witnesses, or interviewing the respondent.

The Informal Resolution Process seeks to informally reach a resolution of the complainant's concerns. The Informal Resolution Process is designed to be flexible to enable OAE to address an individual's situation in an efficient and effective manner. Informal resolutions may be accomplished with the assistance of other offices or administrators on campus in the area relevant to the complaint. Examples of informal actions include, but are not limited to, a warning to cease current behaviors, no-contact directives, separation of the complainant and respondent, facilitated dialogue, and/or an educational conversation with the respondent or others. In the Informal Resolution Process, if possible, the identity of the complaint may be kept confidential from the respondent.

The Informal Resolution Process does not seek to determine whether the alleged conduct violates the Nondiscrimination Policy or the Sexual Misconduct Policy. The Informal Resolution Process does not result in findings related to responsibility. No disciplinary action can be taken against the respondent on the basis of a complaint in which the identified respondent has not been informed or lacks adequate information to sufficiently respond.

The Informal Resolution Process will conclude with one of the following: (1) a decision by the complainant, respondent, or investigator to stop the Informal Resolution Process, (2) a resolution by agreement of the parties, or (3) initiation of a Formal Investigation.

OAE will attempt to conclude the Informal Resolution within 30 days. Following conclusion of the Informal Resolution Process, OAE will memorialize the outcome of the Informal Resolution Process as appropriate. The reported allegations and investigation materials will be maintained internally if the complainant withdraws his/her/their complaint.

d. FORMAL INVESTIGATION

A Formal Investigation may be filed as the first course of action or following the Informal Resolution Process if informal efforts are unsatisfactory. For a report to proceed to a Formal Investigation, there must

be a reasonable suspicion that the complainant's allegations, if substantiated, would constitute a violation of the Nondiscrimination or Sexual Misconduct Policy. This determination is made by the investigator and his/her/their direct supervisor. OAE may dismiss a case when insufficient information exists to move forward or when the alleged conduct—even if substantiated— would not be a violation of the policies referenced herein. A complainant may request that the Director review his/her/their complaint if the complainant believes that the complaint was dismissed erroneously by submitting his/ her/their request for review in writing to eeodivision@illinois.edu.

Formal Investigations will be conducted as expeditiously as possible and will typically conclude within ninety (90) days.

i. Initiation of Formal Investigation by Complainant

A complaint proceeds to a Formal Investigation when a complainant submits his/her/their written allegations to OAE. In the absence of written allegations, the investigator may draft the allegations based on conversations with the complainant, the person reporting the incident, and/or other parties. The investigator will submit the written draft of the allegations to the complainant for review and approval.

ii. University- Initiation of a Formal Investigation

In a University-Initiated Investigation, a Respondent will be provided with written notice of the allegations forming the basis of the University-Initiated Investigation. A complainant or impacted party who may have been subject to discrimination or harassment that forms the basis of a University- Initiated Investigation shall (1) be provided with written notice that the University has commenced a University-Initiated Investigation and a copy of the written complaint drafted by the University; (2) receive a copy of any written response submitted by the Respondent(s); (3) be afforded an opportunity to review the preliminary investigation report; (4) upon request, be afforded an opportunity to meet with the investigator in connection with the University-Initiated investigation; (5) be provided with written notice of the determination of whether a violation of one or both of the Policies occurred; and be afforded the right to appeal such determination in accordance with Section vii. A complainant or impacted party may opt out of ii (1-6) by providing written notice to the investigator.

iii. Notification to Respondent and Respondent's Response

Once the investigator receives confirmation of complainant's written allegations, the investigator will notify the respondent and the respondent's supervisor and/or department head of the complainant's allegations. A copy of the complainant's allegations may also be sent to the appropriate dean, provost, or unit executive officer. Respondent shall submit a response to the complainant's written allegations within ten (10) days of receiving the complainant's allegations. In addition to a written response, the investigator will also invite the respondent to meet in person.

iv. Fact-Finding

During the investigation, the investigator will review the complainant's and the respondent's verbal and written statements, and the evidence presented in support of their statements. The investigator will meet with witnesses identified by the complainant, respondent, third parties, and the investigator. The complainant or the respondent may submit additional materials, information, and witnesses to the investigator throughout the investigation. The investigator will use his/her/their professional judgment to assess the relevance of the information submitted. The investigator will share materials submitted by one party with the other party as appropriate. In some instances, the investigator may interview the complainant, respondent, and witnesses more than once.

The investigator may consult experts who have no connection to the reported incident when expertise on a specific topic or submitted evidence is needed to gain a fuller understanding of the relevance or value of the evidence or the issue at hand.

v. Preliminary report

The investigator will prepare a preliminary report summarizing the complainant's allegations, the respondent's response to the allegations, witnesses' statements, and other information gathered. This report does not include an analysis or conclusion. The preliminary report will not include any findings. The complainant and respondent will have five (5) days to review the preliminary report and submit additional information and evidence to the investigator. The investigator will consider any additional information provided by the complainant and the respondent, and as soon as practicable thereafter, and submit a final investigation report.

The review of the preliminary report is not an opportunity to add additional claims. Any additional claims must be filed separately.

vi. Determination

The investigator uses a preponderance of the evidence standard in determining whether the alleged conduct violated the Nondiscrimination Policy or Sexual Misconduct Policy. The investigator's conclusion, rationale, and recommendations will be communicated in a written report. The final report will be sent to the complainant, respondent, respondent's supervisor, and/or department head, and dean, provost, or unit executive officer.

After the issuance of the final report, the investigator will convene a meeting with the department head and/or the respondent's supervisor, human resources, legal counsel, and the provost's office (when investigations involve faculty respondents). Within ten (10) days of the meeting, the department head shall submit a written response to OAE's findings and recommendations. In the event that a case is pending an appeal, this deadline is stayed, and the departmental response will be due within ten (10) days after the department receives the decision of the appeal panel. If the department response is not received within the timeframes set forth above and no extension is requested, the report will be deemed to be accepted by the respondent's department. The complainant and the respondent will receive a copy of the departmental response.

Student employees who violate the policies referenced herein may be subject to disciplinary action that may impact their employee and student statuses.

vii. Appeals

Any party may file a request for appeal from a determination regarding responsibility. A complainant or respondent who wishes to appeal OAE's finding must do so within seven (7) days after receiving the final written report by submitting a notice of appeal to the Director or Associate Vice Chancellor for Compliance. The notice of appeal must contain the specific grounds for appeal, the specific outcome requested, and the appellants reasons in support of the ground identified and outcome requested. The request for appeal must bear the appellant's signature. Oral appeals are not accepted. The appellant may submit a written request to extend this deadline, and upon showing good case, the Director of OAE may grant such an extension.

Appeals are limited to the following grounds:

- New evidence has come to light that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of

- the matter;
- There were procedural errors that had a material impact on the fairness of the investigation; and/or
 - The Investigator(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.

Upon receipt of the written appeal, OAE will notify the other party of the submission and grant the other party access to all submitted documentation. The other party will have seven (7) days from the date of the notification to submit a written response to be considered as part of the appeal. If both parties submit a notice of appeal, both parties will be informed, granted access to all submitted documentation, and given seven (7) days to submit a written response.

Upon receipt of the written appeal, OAE will convene a three-person appeal panel consisting of faculty and/or staff to conduct a review of the relevant documents. OAE will disclose to the parties a list of all the appeal panel members. At this point, the respondent and complainant may challenge the objectivity of any person on this list within three (3) days from the disclosure of the panel members. Such a challenge must be based on a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent (e.g. a prior relationship that may result in bias) and submitted with a detailed description of the concern to the Director of OAE. The Director of OAE or their designee will consider these challenges when making a final decision regarding appeal panel membership.

Prior to convening to discuss the appeal, the appeal panel will receive the investigatory report including all relevant evidence and the written deliberation statement. The appeal panel can request any additional documentation from OAE's file regarding the matter under appeal if they determine it would assist them in their deliberation.

The appeal panel will receive introductory remarks from an Associate Director or the Director and will have the opportunity to ask questions of the Investigator. OAE staff will not be involved in the appeal panel discussion and will not have a vote on the appeal. Neither the respondent nor the complainant will be allowed to attend the deliberations of the appeal panel, but the Director or Associate Director may authorize other non-voting individuals, such as University Counsel, to be present in an advisory role.

If the request for appeal does not meet the grounds enumerated in this Section, the request will be denied by the appeal panel. The Parties will be notified in writing of the denial and the rationale.

If the request meets one or more grounds for appeal, the appeal panel will consider the appeal. The standard of review undertaken by the appeal panel will be the clearly erroneous standard. The appeal panel may affirm the Investigator's finding, modify the Investigator's finding, or remand the case to the Investigator with instruction.

The appeal panel will render a written decision within seven (7) days of its deliberation. The appeal panel's decision is based on a majority vote. The decision of the appeal panel cannot be appealed and represents the final decision in the Formal Investigation process.

The Office for Access and Equity does not have jurisdiction to impose discipline or other sanctions. A complainant or respondent who wishes to appeal the department's decision must do so using the applicable designated University procedures.

V. CONFLICTS OF INTEREST

a. Concern of Bias or Potential Conflict of Interest with Investigator or Appeal Body

Investigations are conducted by trained investigators who are free of actual or reasonably perceived conflicts of interest and biases. A conflict of interest exists when an individual's knowledge of the matter or personal or professional relationships with the complainant, respondent, or witnesses would preclude the individual from being able to investigate or adjudicate the case fairly or impartially.

Any participant in an investigation who has concerns of bias or a potential conflict of interest regarding the investigator or appeal body should contact the Director of the Office for Access & Equity or the Vice Chancellor for Diversity, Equity, & Inclusion, who will determine the appropriate response. The Director or the Vice Chancellor shall consult with the Title IX Coordinator if the concern involves an investigation of a report of sexual misconduct.

b. Complaints against the following officials should be submitted as indicated.

i. Campus-based University Administration Employees

System Office (U of I System) employees working on the University of Illinois at Urbana-Champaign campus should communicate relevant concerns or initiate complaints and grievances regarding this policy with the System's Associate Vice President & Chief HR Officer, whose policies and procedures apply.

If the complainant is a U of I System Office employee but the report of misconduct or discrimination is against an employee or student on one of the three campuses (Urbana, Springfield, or Chicago), the System's Associate Vice President & Chief HR Officer will report the incident to the appropriate campus, whose policies and procedures apply. The U of I System Office employee complainant may also report directly to the appropriate campus if the respondent is a campus employee or student and the campus Title IX Coordinator will review reporting options with the complainant and connect the U of I System Office employee to the System's Associate Vice President & Chief HR Officer for resources and support services.

ii. Complaint Against the Title IX Coordinator

When there is a report of misconduct or discrimination against the Title IX Coordinator, the Chancellor designates an appropriate investigator or administrator for purposes of implementation of this policy's procedures. The designated investigator or administrator must have the requisite training and experience and have no conflict of interest or prior involvement in the case. The designated investigator or administrator could include an external investigator or the System's Associate Vice President & Chief HR Officer or an official from the University of Illinois at Springfield or the University of Illinois at Chicago, subject to the concurrence of the President or the respective Chancellor, as appropriate.

The complainant can submit a complaint directly in writing to the Chancellor of the University of Illinois at Urbana-Champaign, 516 Swanlund Administration Bldg., 601 E. John Street M/C 304, Champaign, IL 61820 [Phone: (217) 333-6290].

iii. Complaint Against an Administrator in the Office for Access & Equity

When there is an a report of misconduct or discrimination against the Director, Investigator, or other staff

in the Office for Access & Equity, the complainant should notify the Vice Chancellor for Diversity, Equity & Inclusion [Phone: (217) 300-9580 or diversity@illinois.edu]. The Vice Chancellor will consult with appropriate individuals, including the Title IX Coordinator if the report is related to sexual misconduct or sex or gender-based discrimination, to designate an appropriate investigator or administrator for purposes of implementation of this policy's procedures. If there is a conflict of interest involving the Vice Chancellor or successively higher-level administrators, the complaint may be submitted directly to the Chancellor.

The designated investigator or administrator must have the requisite training and experience and have no conflict of interest or prior involvement in the case. The designated investigator or administrator could include an external investigator or the System's Associate Vice President & Chief HR Officer or an official from the University of Illinois at Springfield or the University of Illinois at Chicago, subject to the concurrence of the President or the respective Chancellor, as appropriate.

iv. **Complaint Against the Chancellor**

When there is a report of misconduct or discrimination against the University of Illinois at Urbana-Champaign Chancellor, the Complainant should submit a complaint in writing to either the Title IX Office or directly to the President of the University of Illinois, 364 Henry Administration Bldg., 506 S. Wright St. Urbana, Illinois 61801 [Phone: (217) 333-3071]. If the complaint comes to the Title IX Office, the Title IX Office will route the complaint to the President. The President will consult with appropriate individuals to designate an appropriate investigator or administrator for purposes of implementation of the applicable policy and procedures.

VI. OTHER PROVISIONS

- a. **Confidentiality, Privacy, and Anonymity:** The University cannot guarantee confidentiality or anonymity to anyone participating in the investigation process, including the complainants and the respondents. The University makes every effort to protect the privacy of individuals who participate in the investigation process, including witnesses. Information about witnesses, including his/her/their identity and what information he/she/they share with the investigator is shared only with those individuals involved in the investigation and resolution of a complaint who have a need to know in order to fulfill a responsibility in the complaint resolution process.
- b. **Reasonable Accommodations for Individuals with Disabilities:** The University is committed to providing reasonable accommodations to qualified individuals with a disability to ensure equitable access and participation in OAE's resolution process. Individuals seeking reasonable accommodations should contact the ADA Division to facilitate the interactive process in consultation with the Title IX Coordinator. If a participant in these procedures is a registered DRES student, OAE will work to implement their DRES accommodation into these procedures where applicable.
- c. **Duty to Cooperate:** All parties involved in the investigation are expected to cooperate and provide truthful information throughout the investigation. Failure to do so may compromise the integrity of the investigation or cause delays. Individuals who fail to cooperate may be subject to disciplinary action.
- d. **Extensions:** Should a complainant or respondent believe that they have not been given adequate time to prepare their written documents at any stage of the investigation process, a written request for extension of time may be submitted to the Director at eeodivision@illinois.edu. Requests must be submitted 24 hours before the original deadline and should include the rationale for requesting the extension along with a proposed date by which all documents will be

submitted. Requests for extension of time will be considered on their merits and will not be granted automatically. The opposing party will be notified when an extension is granted.

- e. **Interim and Remedial Measures:** Interim and remedial measures may include but are not limited to: a no contact directive, separating the parties, providing an escort to ensure safe movement on campus, job or class reassignment, academic accommodations, arranging for extra time to complete an assignment, and targeted training.
- f. **Advisor/Support Person:** Throughout the process, the complainant and the respondent may use an advisor/support person of his/her/their choice. The advisor/support may be any person, including but not limited to a(n): friend, mental health professional, certified victim's advocate, or attorney. An advisor/support person may not be a supervisor, department head, witness, or have any conflicting role in the process or with the complainant or the respondent.

The University's duty is to the complainant and the respondent, not to the advisor/support person. All communication is made directly with the complainant or the respondent. The advisor/support person may not unreasonably delay the investigation. The advisor/support person may not testify in or obstruct an interview, author written submissions, or disrupt the process. The investigator has the right to determine what constitutes appropriate behavior of an advisor/support person and take reasonable steps to ensure compliance with these Procedures.

- g. **Recordings:** Interviews with the investigator cannot be recorded without express written consent by all individuals involved, and no unauthorized recording is permitted by anyone participating in the investigation process. Parties and witnesses may take notes during investigation meetings. Requests for recording of an interview must be submitted with the rationale for consideration to the Director at eeodivision@illinois.edu.
- h. **Reports to Law Enforcement:** A complainant may elect to file a police report. At the request of the complainant, OAE will assist a complainant with contacting law enforcement agencies. Except in compliance with its Clery Act report obligations and in very limited circumstances (e.g. child abuse), the Office for Access and Equity will not report incidents that are reported to University to law enforcement.

A criminal investigation and an investigation filed pursuant to these Procedures may be conducted simultaneously. At the request of law enforcement, OAE may agree to temporarily suspend its investigation for a brief period during the evidence gathering stage of a criminal investigation. The Office for Access and Equity will promptly resume its investigation once law enforcement has concluded its evidence gathering. A determination of responsibility or no responsibility in a criminal investigation does not compel the same outcome in an investigation under these Procedures.

- i. **Time Limits:** There is no time limit for using these Procedures to file a complaint under the Nondiscrimination Policy or Sexual Misconduct Policy. However, prospective complainants are advised to report as soon as possible after the incident to preserve evidence and to reduce the risk of memories fading.
- j. **Sanctions:** Sanctions are to be determined by either the college of the Responding party and/or Human Resources. Possible sanctions for violating the referenced policies include, but are not limited to, a letter of expectation, suspension or leave of absence with or without pay, removal or reassignment of responsibilities, denial of a pay increase, demotion, and termination.

- k. **Joint investigations:** When a report involving student employees alleges conduct that spans across the student's status as a student and employee, OAE and OSCR will work closely to determine which office will conduct the investigation. When a report alleges workplace-related conduct as well as conduct that potentially violates the Nondiscrimination Policy and/or the Sexual Misconduct Policy, OAE and Illinois Human Resources may conduct the fact-gathering portion of the investigation jointly.

- l. **False Allegations and Evidence:** The University presumes that reports of prohibited conduct are made in good faith. Deliberately false and/or malicious accusations made under the Nondiscrimination or Sexual Misconduct policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action. The fact that a complaint of a violation of the Nondiscrimination or Sexual Misconduct policy did not result in a finding of wrongdoing in a law enforcement or University disciplinary proceeding will not, by itself, be a basis for determining that this provision has been violated.

Additionally, witness and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

VII. RESOURCES

a. REPORTING RESOURCES

CAMPUS:

- [Counseling Center*](#)
- [McKinley Health Center*](#)
- [Faculty Staff Assistance Services*](#)
- [Title IX Office](#)
- [Office for Access and Equity](#)
- [Office for Student Conflict Resolution](#)
- [Illinois Human Resources](#)

COMMUNITY/STATE:

- [Rape Advocacy, Counseling, and Education Services*](#)
- [Office for Civil Rights](#)
- [Equal Employment Opportunity Commission](#)
- [Illinois Department of Human Rights](#)

b. LAW ENFORCEMENT:

- [University of Illinois Police Department](#)
- [Champaign Police Department](#)
- [Urbana Police Department](#)
- [Illinois Sheriff's Department](#)

c. MEDICAL SERVICES:

- [McKinley Health Center](#)
- [OSF Heart of Mary Medical Center](#)
- [Christie Clinic](#)
- [Carle Foundation Hospital](#)

d. CAMPUS ADVOCACY AND SUPPORT SERVICES:

- [Women's Resources Center*](#)
- [Disability Resources Educational Services*](#)
- [Equip for Equality](#)

*DENOTES CONFIDENTIAL RESOURCE

Effective August 14, 2020