

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

Effective Date: August 21, 2023

1. Introduction

The University of Illinois 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, discrimination, and/or retaliation under the Nondiscrimination Policy and all provisions of the Sexual Misconduct Policy 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](#).

2. Scope

The procedures set forth in this document will be followed by the Office for Access and Equity (“OAE”) when investigating and/or resolving complaints under the Nondiscrimination Policy and all provisions of the Sexual Misconduct Policy except Title IX Sexual Harassment. OAE has sole jurisdiction to adjudicate complaints in which a complainant alleges that a staff member, faculty member, student employee, or other categories of employees violated the Nondiscrimination Policy or the above-referenced portions of the Sexual Misconduct Policy.¹ Other categories of employees include, but are not limited to, visiting faculty, visiting scholars, post-doctoral fellows, individuals with 0% appointments, volunteers, and other individuals acting as agents of the university in the context of a university-sponsored program or activity.² However, in cases where the respondent is a student employee, the provisions below related to shared jurisdiction and joint procedures between OAE and OSCR shall apply.

¹ OAE may collaborate with IHR and OSCR during the fact-finding portion of an investigation. In such cases, OAE will maintain sole jurisdiction to adjudicate whether an employee has violated the Nondiscrimination Policy or the Sexual Misconduct Policy.

² Where the university has entered into a written agreement with an external entity or organization that governs the handling of discrimination, harassment, and/or sexual misconduct reports made by and/or against individuals who have simultaneous or overlapping affiliations with the university and such external entity or organization, OAE will conform its process to the terms of such agreement unless doing so would violate federal or state law as determined by the Office of University Counsel.

The University includes the University Laboratory High School, University Primary School, the Child Development Laboratory Preschool, and Orchard Downs Preschool (collectively “Uni”). These procedures apply to Uni students accused under all provisions of the Sexual Misconduct Policy except Title IX Sexual Harassment.

When OAE receives complaints that a visitor to the University or an individual lacking a formal connection to the University has engaged in alleged violations of the Nondiscrimination Policy and the above referenced provisions of the Sexual Misconduct Policy, these procedures may be modified as provided in Section 6.15.

The [Office for Student Conflict Resolution](#) (OSCR) has jurisdiction over complaints against students or student organizations pursuant to the Student Code. Individuals who believe they have been subjected to misconduct by a student in violation of the [Student Code](#) should contact OSCR at (217) 333-3680 or conflictresolution@illinois.edu. Complaints referred to OSCR shall be addressed pursuant to Student Disciplinary Procedures. Sections 6.12 and 6.13 set forth the manner in which cases involving overlapping jurisdiction between OAE and OSCR will be handled.

The University may make adjustments to these procedures as needed in order to ensure that the rights of all parties and the interests of the University and the campus community are protected. Any such adjustments to procedures will be communicated to affected parties in a reasonable time, which may include after a report has been received or an investigation has commenced, provided that such adjustments are not unfairly prejudicial to any party and do not interfere with the due process rights of any party or any other right protected by applicable law, regulation, policy, or contract.

3. Definitions

Appeal: A request by the complainant or respondent to reconsider the case in instances where the party has met the requirements of an appeal.

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.

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.

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics 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.

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.

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.

Days: Calendar days.

Director: The Director of the Equal Employment Opportunity Division of the Office for Access and Equity.

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, postdoctoral research associates, and undergraduate or graduate hourly students, and visiting scholars.

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.

Informal Resolution Process: 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. Informal resolutions do not result in a finding or determination as to whether the respondent violated university policy, nor do they result in employee sanctions.

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.

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.

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.

Report: The written document that is generated at the conclusion of the Formal Resolution Process.

Respondent: The person or persons who the complainant or the University identifies as alleged to be responsible for the conduct.

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, a witness, or a person with a conflicting role in the process or with the parties.

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.

4. Complaint resolution procedures

4.1. Initial meeting

Upon receipt of a report alleging a violation of the Nondiscrimination Policy or the Sexual Misconduct Policy, OAE staff will typically schedule a meeting 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 Resolution Process, Formal Investigation, refer to another office, or not proceed with any action.

After the initial meeting, OAE will engage one of three responses if the matter is to move forward with OAE: a Preliminary Inquiry; an Informal Resolution; or a Formal Investigation. The Formal Investigation determines 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 investigator's meeting notes and afforded the opportunity to clarify any issues which the party or witness believes were incorrectly recorded.

4.2. Preliminary Inquiry

OAE may conduct a Preliminary Inquiry upon request or at its own discretion. The purpose of a Preliminary Inquiry is to determine whether there is a reasonable suspicion of a policy violation. This includes, but is not limited to, gathering evidence and interviewing witnesses. The Respondent will not be contacted as part of the Preliminary Inquiry, however OAE may reach out to other third parties in conducting the Preliminary Inquiry.

4.3. Requests for anonymity or no action and withdrawal of complaints

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.

Factors to be considered include, but are not limited to, 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, 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.

The University may initiate an investigation even when no formal or informal complaint has been filed if the University becomes aware, directly or indirectly, of potential discrimination and/or harassment.

If the Complainant communicates that they wish to withdraw their complaint, OAE will evaluate that request in a manner consistent with the principles outlined above. If the request to withdraw the complaint comes after the start of a formal investigation, OAE will also take reasonable measures to ascertain: (a) whether the complainant intends to discontinue participating in the investigation; (b) whether the complainant is recanting previous statements or allegations; (c) how the withdrawal will affect the body of evidence already collected, the credibility of that evidence, and the ability to collect additional evidence; (d) the resulting effect on the ability of the University to determine, by a preponderance of the evidence, that misconduct occurred. Based on all of these factors, OAE, in consultation with other relevant offices, will determine whether to continue or close the investigation and/or whether to take any additional steps.

4.4. 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 establish a reasonable suspicion of a policy violation which is required to proceed with 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.

As a part of the evaluation of the appropriateness of an informal resolution an investigator may engage in a Preliminary Inquiry.

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, 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.

The Informal Resolution Process will conclude with one of the following: (1) a decision by the complainant or investigator to stop the Informal Resolution Process, (2) conclusion of the Informal Resolution Process, 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.

4.5. 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 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 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.

4.6. Initiation of Formal Investigation by complainant

After OAE determines that a Formal Investigation is appropriate, a complainant will be invited to submit a written complaint that will be shared with the respondent in its original form. The Formal Investigation begins when a complainant submits their written complaint to OAE. In lieu of a written complaint, the investigator may draft a complaint based on their conversations with the

complainant, the person reporting the incident, and/or other parties. In that event, the investigator will submit a draft complaint to the complainant for review and approval.

4.7. 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 (6) 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.

4.8. 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.

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, or other individual.

4.9. 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 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.

4.10. 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 in their discretion, either prepare a revised preliminary report or 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.

4.11. Determination

The investigator uses a preponderance of the evidence standard in determining whether the alleged conduct violated the Nondiscrimination Policy or Sexual Misconduct Policy.³ The investigator's conclusion, rationale, and recommendations will be communicated in the final investigation 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 and Dean's offices (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.

³ Where a Decision-Maker Panel in a parallel Title IX matter has made a determination on a question of fact or credibility that is also relevant to a matter being investigated under these procedures, the investigator shall adopt the Panel's determination as set forth in the Letter of Determination. This does not prevent the investigator from conducting further investigation and/or making subsequent credibility determinations to the extent relevant to the matter being investigated under these procedures.

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

4.12. 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.

5. Conflicts of interest

5.1. 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 and the ADA Coordinator if the concern involves an investigation of a report of discrimination or harassment based on disability.

5.2. Complaint against the Title IX Coordinator

When there is a report of misconduct or discrimination against the Title IX Coordinator or the ADA 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 Urbana-Champaign, 516 Swanlund Administration Bldg., 601 E. John Street M/C 304, Champaign, IL 61820, Phone: (217) 333-6290.

5.3. Complaint against an administrator in the Office for Access and Equity

When there is a report of misconduct or discrimination against the Director, or other staff in the Equal Employment Opportunity Division of the Office for Access and Equity, the complainant should notify the Associate Vice Chancellor for Access and Equity [Phone: (217) 333-0885 or accessandequity@illinois.edu]. The Associate 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 and the ADA Coordinator if the report is related to discrimination on the basis of disability, 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 Associate Vice Chancellor, the complaint may be submitted directly to the Vice Chancellor for Diversity, Equity and Inclusion [Phone: (217) 300-9580 or diversity@illinois.edu]. 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 and 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.

5.4. 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.

6. Other provisions

6.1. Confidentiality, privacy, and anonymity

The University strives to protect the privacy of individuals who participate in the investigation process. The University, however, cannot guarantee confidentiality or anonymity to anyone participating in the investigation process, including the complainants, respondents, and witnesses. OAE will share information with other University personnel in limited situations as necessary.

In the event that OAE identifies a pattern of concern, OAE may share anonymized, aggregated information about complaints with relevant personnel for the purpose of allowing unit, department, college, or University leadership to determine what independent action could be taken to learn about and improve the environment.

6.2. Reasonable accommodations for individuals with disabilities

The University is committed to providing reasonable accommodations to individuals with a disability to ensure equitable access and participation in OAE's resolution process. Individuals seeking reasonable accommodations should contact the Accessibility and Accommodations Division of OAE to facilitate the interactive process in consultation with the Title IX Coordinator. If a participant in these procedures is registered with DRES, OAE will work to implement their DRES accommodation into these procedures where applicable.

6.3. 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.

6.4. Extensions

These procedures are designed to allow ample time for parties to review and respond to information. It is in the best interest of both parties and the University to complete investigations in a timely manner. Should a complainant or respondent want additional 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 investigator. The investigator will refer the request to a Senior EEO Associate or Director, who will be responsible for granting or denying the request. 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. Requests for extension will be granted when there are clearly extenuating circumstances outside the control of the party. The opposing party will be notified when an extension is granted.

6.5. Interim and remedial measures

Interim and remedial measures may include but are not limited to: a no contact directive, separating the parties, job or class reassignment, academic accommodations, arranging for extra time to complete an assignment, and targeted training.

6.6. Advisor/support person

Throughout the process, the complainant and the respondent may use a support person of their choice.

The University's duty is to the complainant and the respondent, not to the support person. All communication is made directly with the complainant or the respondent. The support person may not unreasonably delay the investigation. The 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 a support person and take reasonable steps to ensure compliance with these Procedures.

6.7. 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.

6.8. 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 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. The outcome of a criminal investigation does not compel the same outcome in an investigation under these Procedures.

6.9. Time limits

There is no time limit 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.

6.10. Sanctions

Sanctions are to be determined by either the college/unit in which the respondent is employed 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.

6.11. Joint procedures for employee misconduct

When a report alleges that an employee has engaged in conduct that would constitute a violation the Nondiscrimination Policy and/or the Sexual Misconduct Policy, and would also implicate other policies governing the conduct of university employees, OAE and Illinois Human Resources may conduct the fact-gathering portion of the investigation jointly in order to enable Illinois Human Resources to reach determinations regarding potential violations of policies other than the Nondiscrimination Policy and the Sexual Misconduct Policy.

6.12. Joint procedures for student employee misconduct

When a report alleges that an undergraduate or graduate student employee has engaged in conduct that would constitute a violation of the Student Code and would also constitute a violation of the Nondiscrimination Policy and/or Sexual Misconduct Policy (other than Title IX Sexual Harassment), OAE and OSCR will work closely to determine which office will conduct the investigation and may conduct a joint investigation.

6.13. OAE adoption of OSCR determinations

In cases where OSCR, through its formal processes, has determined that a student employee respondent has engaged in misconduct, and where OAE, upon review of the OSCR report, determines: that the misconduct in question constitutes a violation of the Nondiscrimination Policy and/or Sexual Misconduct Policy (other than Title IX Sexual Harassment); that the due process rights afforded the respondent in the OSCR process were substantively equivalent to the due process rights afforded by these procedures and applicable laws and policies; and that sufficient cause exists to apply the finding in the context of the respondent's employee role, OAE may adopt the OSCR report as a basis to initiate outreach to relevant administrators pursuant to paragraph 4.11 above, for the purpose of identifying appropriate employment sanctions.

In such cases, the respondent may invoke the appeal procedures described in paragraph 4.12 above to appeal OAE's decision to adopt the OSCR finding, but not to appeal the OSCR determination. The appeal panel hearing such an appeal will only consider whether OAE's decision to adopt the OSCR finding was consistent with this section. Nothing in this paragraph limits any party's appeal or grievance rights as provided for in any other policy or procedure.

6.14. 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.

6.15. Third party or unaffiliated respondents

In cases where the respondent is a person over whom the University lacks sufficient control to effectively implement certain sanctions (e.g., cases in which the respondent is an individual unaffiliated with the University, an individual whose primary employer is an outside entity, or an individual otherwise falling outside of traditional employment categories) but which nevertheless involve alleged misconduct on University property or affect the University's educational or employment contexts, OAE will have the discretion to determine what procedural steps will be followed to address the complaint. OAE will evaluate the following factors in determining how to proceed:

- 1) The extent to which the University has control over the Respondent,
- 2) The nature of the relationship that the University has with the Respondent, and
- 3) Any legal obligations and due process that the University is required to provide the Respondent.

In such cases, the procedures herein may be adjusted in any one or more of the following ways: (1) The respondent will not have the right to request extensions of time, or file any appeals; (2) references to the respondent's supervisor or department head in the procedures will be ignored; (3) provisions regarding conflicts of interest and alternative resolution will not apply; (4) informal resolution will be available at OAE's discretion in cases that do not involve allegations of criminal acts; (5) the investigator will not issue a preliminary report; (6) following the investigator's determination, the selection of stakeholders to convene for the follow-up meeting will be decided by

OAE on a case-by-case basis; (7) the University may, with reasonable notice to the parties, make additional adjustments to these procedures in order to account for the nature and context of the alleged misconduct and the status and legal rights of the parties with respect to the university. OAE will work with the complainant as needed to ensure they are supported in their work or educational environment and that the University takes appropriate steps to prevent misconduct from continuing.

6.16. Campus-based University System Office employees

University of Illinois System Office employees working on the University of Illinois 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 and the respondent is 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.

6.17. ADA and Section 504 grievance procedures

Consistent with the Nondiscrimination Policy, these procedures also fulfill the university's requirements to provide an internal grievance procedure for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. Any person, including a student or employee, who believes they have been subjected to discrimination on the basis of disability, including as a result of actions of a third party who is not a student or employee of the University, may file a grievance under this procedure.

The ADA Coordinator is the individual responsible for coordinating and monitoring the University's efforts to comply with Section 504 of the Rehabilitation Act of 1973 (codified e), the Americans with Disabilities Act of 1990, and other federal and state laws and regulations pertaining to the rights of persons with disabilities. The University of Illinois Urbana-Champaign ADA Coordinator is: Allison Kushner, J.D., phone 217-333-0885, 614 East Daniel St. Suite 303, MC 311, Champaign, IL 61820; adacoordinator@illinois.edu. The regulations are available on-line at: <http://www2.ed.gov/about/offices/list/ocr/disabilityoverview.html>

The following additional procedures will be followed in cases involving discrimination on the basis of disability and in cases where a report or complaint is styled as an ADA or Section 504 grievance:

1. The ADA Coordinator will be notified when OAE has received a report which meets either of the above criteria.
2. The ADA Coordinator will be included in case status updates as part of the EEO Division case management meetings.
3. In cases where the complainant does not wish to move forward with a formal investigation, or requests that a case be closed without further investigation, the ADA Coordinator will have the opportunity to review the case with the EEO Division investigators and determine whether the case should be closed or if there is a need to pursue the case on behalf of the University.
4. The ADA Coordinator will be included in the stakeholder meeting described in Section 4.11 above and in any subsequent meetings that OAE convenes or attends for the purpose of discussing appropriate next steps and possible recommendations to the unit or department. Any employment actions imposed by the supervisor or college/unit will be shared with the ADA Coordinator to ensure there is sufficient information to document the University's responsive actions.
5. The ADA Coordinator will be responsible for monitoring the implementation of corrective actions of the university, its employees and agents, and students, which may be required as a result of the final decision. The ADA Coordinator will consult with the appropriate offices in carrying out this responsibility. The University will take such steps as are necessary to prevent the reoccurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others.
6. The University will make appropriate arrangements to ensure that persons with disabilities are provided reasonable accommodations, if needed, to participate in this grievance process. Examples of such arrangements may include, but are not limited to, providing interpreters for the deaf, providing audio files or materials in braille for the blind, or assuring a barrier-free location for meetings. The Section 504 Coordinator will be responsible for such arrangements.
7. The availability and use of this Section 504 grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Education's Office for Civil Rights.

7. Resources

7.1. Campus reporting resources

- [Counseling Center](#)*
- [McKinley Health Center](#)*
- [Faculty Staff Assistance Services](#)*
- [Title IX and Disability Office](#)

- [Office for Access and Equity](#)
- [Office for Student Conflict Resolution](#)
- [Illinois Human Resources](#)

7.2. Community/state reporting resources

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

7.3. Law enforcement

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

7.4. Medical services

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

7.5. Campus advocacy and support services

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

*Denotes confidential resource