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# Procedures for Addressing Title IX Sexual Harassment Complaints<sup>1</sup>

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## About These Procedures

Effective Date:	March 28, 2025
Responsible Office:	Office for Access & Equity, Equal Employment Opportunity Division
Related Policy:	<a href="#">Sexual Misconduct Policy</a> (CAM HR-79)
Link to this document:	<a href="https://oae.illinois.edu/wp-content/uploads/tix-procedures-3.28.25.pdf">https://oae.illinois.edu/wp-content/uploads/tix-procedures-3.28.25.pdf</a>
To learn more:	<a href="https://oae.illinois.edu/our-services/discrimination-and-harassment/">https://oae.illinois.edu/our-services/discrimination-and-harassment/</a> <a href="https://wecare.illinois.edu">https://wecare.illinois.edu</a>
	Phone: 217-333-0885, option #2
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## 1. 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 for Addressing Title IX Sexual Harassment Complaints (“Procedures”) outline the resolution processes that will be used to investigate and/or resolve a complaint of Title IX Sexual Harassment (as defined in the Sexual Misconduct Policy after August 14, 2020) that occurred after August 14, 2020, and that meet the following criteria:

- a. The conduct took place in the United States of America;
- b. The conduct took place on University premises or property, at a University-sponsored event, or in buildings owned or controlled by the University’s recognized student organizations, or if the alleged conduct effectively deprived someone of access to a University educational program;

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These procedures are subject to change should the United States Department of Education’s Office for Civil Rights publish interpretations of the federal 2020 Title IX Regulations that are inconsistent with these procedures, or in the event that court rulings and/or opinions amend, enjoin, or interpret said regulations.

- c. The Respondent is a member of the University's community; and
- d. The Complainant was participating in or attempting to participate in the education program or activity at the time the Formal Complaint was filed.

For reports or complaints that do not meet the above criteria, please see <https://oae.illinois.edu/our-services/discrimination-and-harassment> or <https://wecare.illinois.edu/policies/campus/> for more information about applicable policies and procedures.

The Associate Vice Chancellor for Access and Equity ("AVC"), the Director of the Equal Employment Opportunity Division of OAE ("Director"), the Senior EEO Associates ("Senior Associates"), and EEO Associates are all Title IX Coordinator designees for the purpose of effectuating these procedures.

EEO Associates and Senior Associates will act as Investigators and Chairs of the Decision-Maker Panels in different cases, as defined by these procedures.

The University retains the right to interpret these procedures in any way that is not clearly unreasonable. In administering these procedures OAE will consult with campus partners as necessary and delegate tasks as necessary and appropriate.

## 2. Scope

The procedures set forth in this document will be followed by OAE when investigating and/or resolving complaints of Title IX Sexual Harassment that meet the criteria set forth in the Introduction. OAE has sole jurisdiction to adjudicate complaints in which a complainant alleges that a staff member, faculty member, student employee, or other category of employee engaged in Title IX Sexual Harassment. Other categories of employees include visiting faculty, visiting scholars, post-doctoral fellows, individuals with 0% appointments, and other similarly situated community members. 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.

The University includes University Laboratory High School, University Primary School, the Child Development Laboratory Preschool, and Orchard Downs Preschool (collectively "Uni"). For allegations of violations of the Title IX Sexual Harassment Provision of the Sexual Misconduct Policy involving a Uni student the Procedures for Addressing Title IX Sexual Harassment Involving Pre K-12 Students will apply.

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](mailto:conflictresolution@illinois.edu). Complaints referred to OSCR shall be addressed pursuant to Student Disciplinary Procedures. Paragraph 9.10. below sets 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.

In order for these procedures to be applicable, all of the following conditions must be met:

- a) The alleged Title IX Sexual Harassment occurred on University premises or property, at a University-sponsored event, or in buildings owned or controlled by the University's recognized student organizations; or if the alleged conduct took place outside the aforementioned locations, it effectively deprived someone of access to the University's educational program, or the Title IX Coordinator determines that the conduct affects a substantial University interest.
- b) The Respondent is a member of the University's community, which includes but is not limited to employees, visiting scholars, post-doctoral fellows, and other formally affiliated individuals.
- c) At the time of filing a Formal Complaint, the Complainant was participating in or attempting to participate in the education program or activity of the University.
- d) The alleged misconduct occurred after August 14, 2020.

If any of the above conditions are not met, but the Complainant allegedly experienced conduct otherwise falling under the Sexual Misconduct Policy, the "Procedures for Addressing Discrimination, Harassment, and Non-Title IX Sexual Misconduct Complaints" will apply.

There is no time limitation on reporting an allegation to the Title IX Coordinator or OAE. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be limited.

For reports in which the alleged misconduct occurred before August 14, 2020, the University will apply the policy definitions of misconduct that were in effect at the time of the alleged misconduct.

### 3. Definitions

**Advisor of Choice:** A person chosen by a Party to accompany the Party to meetings related to the resolution process, to advise the Party on that process, and to conduct cross-examination for the Party at the hearing, if any. The Advisor of Choice may be any person, including but not limited to a(n): friend, mental health professional, certified victim's advocate, or attorney. The Parties may

select whoever they wish to serve as their Advisor of Choice as long as the Advisor is eligible and available.<sup>2</sup> Parties have the right to choose not to have an Advisor of Choice in the initial stages of the resolution process, prior to a hearing, but are required to have an Advisor for the hearing.

The Advisor may not testify in their capacity as an Advisor or obstruct an interview, speak unless invited to by the Investigator during an interview, or disrupt the process. If an Advisor is also a witness, they may testify in their capacity as a witness. The Investigator has the right to determine what constitutes appropriate behavior of an Advisor during an interview and take reasonable steps to ensure compliance with these Procedures. If a Party's Advisor of Choice refuses to comply with the University's established rules of decorum provided prior to the hearing, the University may require the Party to use a University-Appointed Hearing Advisor.

All Advisors are subject to University policies and procedures, whether they are attorneys or not.

**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:** An individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the University.

**Confidential Resource:** An employee who is not a responsible employee for purposes of reporting harassment and/or discrimination (irrespective of Clery Act Campus Security Authority status). A Confidential Resource can also be an individual who is a 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:** Business days.

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<sup>2</sup> "Available" means the Party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter.

**Decision-Maker Panel:** Those who have the authority to make Findings of Fact and Final Determinations within the University's Formal Grievance process. The panel is made up of three members, one of whom will act as the Chair.

**Education Program or Activity:** Locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.

**Final Determination:** A conclusion by a Preponderance of the Evidence about whether the alleged conduct violated the Title IX Sexual Harassment provision of the Sexual Misconduct Policy.

**Finding of Fact:** A conclusion by the Preponderance of the Evidence about whether the alleged conduct did or did not occur.

**Formal Complaint:** A document submitted and signed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment and requesting that the University investigate the allegation. Signatures can be affixed to a Formal Complaint physically or electronically. To file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the University.

**Formal Grievance Process:** A method of formal resolution involving an investigation and hearing that is designed by the University to address conduct that falls within Title IX Sexual Harassment within the Sexual Misconduct Policy, and which complies with the requirements of 34 CFR Part 106.45.

**Grievance Process Pool:** Includes any Investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

**Hearing Facilitator:** The person who facilitates the pre-hearing meeting and the hearing. The Hearing Facilitator will be a staff member of OAE and will handle the logistics of the hearing to include scheduling and coordinating witnesses and answering any technical or logistical questions that arise during the hearing. The Hearing Facilitator is not a fact witness and does not engage in deliberations or in any other way determine credibility, evidentiary questions, or whether there has been a violation of University policy.

**Investigator:** The person or persons charged by the University with gathering facts about an alleged violation of Title IX Sexual Harassment, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

**Notice:** When a person informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct. (This is distinct from the Notice of Investigation and Allegations described in Paragraph 7.3.1 below.)

**Official with Authority:** An employee of the University explicitly vested with the responsibility to implement corrective measures for harassment or discrimination on behalf of the University, including but not limited to any employee of University Laboratory High School, University Primary School, the Child Development Laboratory or Orchard Downs Preschool and any other Pre-K to 12 school or program.

**Parties/Party:** Includes the Complainant(s) and Respondent(s), collectively.

**Preponderance of the Evidence Standard:** The standard of review for determining if a violation of policy occurred. Under this standard, the evidence needs to show that the facts are more likely to be true than not before making a Finding of Fact or Final Determination.

**Remedies:** Post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University's educational program.

**Report:** A communication, by any means, to the Title IX coordinator or OAE alleging Title IX Sexual Harassment has occurred. A report can be filed by anyone, including but not limited to the Complainant, and can take any form including but not limited to verbal, written, or electronic.

**Resolution:** The result of an Informal or Formal Grievance Process.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

**Responsible Employee:** An employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or discrimination with the Title IX Coordinator.<sup>3</sup>

**Sanction:** A consequence imposed by the University on a Respondent who is found to have violated this policy.

**Title IX Sexual Harassment:** The overarching category, defined in the Sexual Misconduct Policy, including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

**Title IX Coordinator:** The official(s) designated by the University to ensure compliance with Title IX. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

**University-Appointed Hearing Advisor:** An individual of the University's choice who is present at the live hearing to conduct cross-examination (i.e., to ask the other Party and any witnesses relevant

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<sup>3</sup> Responsible employees as defined here are to be distinguished from those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in these procedures.

questions and follow-up questions, including those challenging credibility) if a Party does not otherwise have an advisor present at the live hearing. This will be done without fee or charge to that Party. If the Party is present at the hearing, their University-Appointed Hearing Advisor will relay the Party's own questions during cross-examination. The University-Appointed Hearing Advisor may, but is not required to, ask additional cross-examination questions that they deem appropriate. If the Party and their Advisor of Choice are not present at the hearing, the University-Appointed Hearing Advisor will conduct cross-examination on behalf of that Party. The University does not guarantee, and is not obligated to provide an attorney, regardless of whether the other Party has an advisor who is an attorney. All Advisors are subject to University policies and procedures, whether they are attorneys or not.

## 4. Reports Or Formal Complaints of Title IX Sexual Harassment

Reports or Formal Complaints of Title IX Sexual Harassment may be made using any of the following options:

- a) File a Report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator. Such a Report may be made at any time (including during non-business hours) by using the telephone number (217.333.3333) or email address ([titleixcoordinator@illinois.edu](mailto:titleixcoordinator@illinois.edu)), or by mail to the office address (614 E. Daniel St., Suite 303, Champaign, IL 61820).
- b) Report online, using the reporting form posted at [wecare.illinois.edu](http://wecare.illinois.edu). Anonymous Reports are accepted and may result in a Formal Complaint being signed by the Title IX Coordinator.

## 5. Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged Title IX Sexual Harassment. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual misconduct.

On receiving a report of Title IX Sexual Harassment, the Title IX Coordinator or their designee promptly contacts the Complainant to discuss the availability of supportive measures, to consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without filing a formal Complaint, and explain to the Complainant the process for filing a formal complaint.



The Title IX Coordinator or their designee works with the Parties to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented. A list of supportive measures is available at [wecare.illinois.edu](https://wecare.illinois.edu).

The University will maintain the privacy of the supportive measures if privacy does not impair the University's ability to provide such measures. The University will act to minimize academic impact on the Parties as possible. The University will implement measures in a way that does not unreasonably burden the other Party. Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Subject to relevant University policies governing administrative leave, the University may place a non-student employee Respondent on administrative leave during the pendency of the Title IX grievance process. Student employee Respondents may be removed from the workplace, removal will be analyzed on a case-by-case basis to ensure removal is non-disciplinary, non-punitive, and not unreasonably burdensome on the Respondent.

If a Party is under the age of 18, a parent or legal guardian will be contacted and involved in conversations regarding supportive measures.

## **6. Requests for anonymity or no action**

To protect the Parties, 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 Formal Complaint. If the Complainant requests that their name or other identifiable information not be shared, does not wish for an investigation to take place, or does not want a Formal Complaint to be pursued, the Investigator, the Investigator's direct supervisor, and the Title IX Coordinator shall evaluate such request in light of the duty to ensure the safety of the University and to comply with state and federal law.

The Title IX Coordinator determines whether the University proceeds when the Complainant does not wish to do so. The Title IX Coordinator may sign a Formal Complaint to initiate a grievance process upon completion of an initial assessment. If the Title IX Coordinator signs a Formal Complaint pursuant to this section, the Title IX Coordinator is not a Party. The Title IX Coordinator or Investigator will notify the Complainant of the University's response to their request. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

If the University honors the request for anonymity, the University cannot proceed with a Formal or Informal Resolution Process. The University will take other appropriate steps to eliminate any such sexual harassment, prevent its recurrence and remedy its effects on the Complainant and the University community. For example, this may include an educational conversation with the Respondent regarding the Sexual Misconduct Policy and expectations and providing supportive



measures to the Complainant. If the Complainant elects to take no action, they can decide to pursue a Formal Complaint later.

If the University is unable to honor the request for anonymity or no action, the Title IX Coordinator will sign the Formal Complaint. If a Formal Complaint is signed by the Title IX Coordinator, the Complainant (or their Advisor of Choice) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under these procedures irrespective of their level of participation. When the Complainant chooses not to participate, their Advisor of Choice may act as a proxy for the Complainant during the Hearing. If the Complainant does not have an Advisor of Choice, and the matter proceeds to hearing, the University-Appointed Hearing Advisor may act as a proxy for the Complainant during the Hearing.

## **7. Resolution Process**

### **7.1. Initial Assessment**

Following receipt of a Report or Formal Complaint, the Title IX Coordinator or their designee will engage in an initial assessment. The Title IX Coordinator or their designee works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, and/or a formal investigation and grievance process.

The Title IX Coordinator or their designee may request the Threat Assessment Team or the Behavioral Intervention Team provide their assessment of the risk of any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

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.

In most cases, the investigator will serve as the designee on behalf of the Title IX Coordinator for the purposes of this section.

### **7.2. Informal Resolution**

The Informal Resolution Process can be undertaken in response to a Formal Complaint of Title IX Sexual Harassment when the Parties give their voluntary, written consent to engage in such. The Informal Resolution Process can begin at any time after a Formal Complaint has been filed and prior to a determination regarding responsibility. Informal Resolution is not available to resolve Formal Complaints alleging that an employee sexually harassed a student. If a Complainant or Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator or their designee to so indicate. Prior to implementing an Informal Resolution, the University will provide the Parties with written notice of the reported misconduct and any sanctions or measures that may result from

participating in such a process, including information regarding any records that will be maintained or shared by the University.

In appropriate Informal Resolution cases, the University may pursue alternative resolution. 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 will have the right to end the Informal Resolution process at any time prior to agreeing to a resolution and to begin or restart the Formal Grievance Process. Facilitators of the Informal Resolution process will not be able to be called as witnesses in any resulting Formal Grievance Process to testify about what the Parties said or did during the Informal Resolution process.

There is no requirement that a Complainant first proceed with the Informal Resolution before pursuing a Formal Grievance and at any point during the Informal Resolution process, either Party may request a Formal Grievance process.

As a part of the evaluation of the appropriateness of an Informal Resolution an Investigator may engage in preliminary investigative activities. This includes, but is not limited to, gathering evidence, interviewing witnesses, or interviewing the Respondent.

OAE will attempt to conclude the Informal Resolution within 30 days from the date the parties agree to attempt Informal Resolution. Following conclusion of the Informal Resolution Process, OAE will memorialize the outcome of the Informal Resolution Process. A resolution by agreement of the Parties is not appealable. The reported allegations and investigation materials will be maintained internally, even if the Complainant withdraws their formal Complainant.

The University does not restrict the ability of the Parties to discuss the allegations under investigation or to gather and present relevant evidence. However, the resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings. While there is an expectation of privacy around what Investigators share with Parties during interviews, the Parties have discretion to share their own knowledge and evidence with others if they so choose.

### **7.3. Formal Grievance Process – Investigation**

#### **7.3.1. Notice of investigation and allegations**

As soon as is practicable after interviewing the Complainant (or after unsuccessfully attempting to interview the Complainant), the Investigator will issue a written Notice of Investigation and Allegations (the “NOIA”) to the Respondent and Complainant upon commencement of the Formal Grievance Process. The NOIA will contain a detailed description of the alleged incidents including date and location if known, the identity of the parties involved in the incident, the portion of the Title IX Sexual Harassment provision the Respondent has been accused of violating, a link to these

procedures, a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of this process, that the parties may have an Advisor of choice who may be, but is not required to be, an attorney, a statement that the University prohibits retaliation and making false statements during the formal grievance process, and may inspect and review evidence pursuant with these procedures.

This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor of Choice to accompany them to interviews. The Complainant will be given advance notice of when the NOIA will be delivered to the Respondent.

If a party is under the age of 18, a parent or legal guardian will be copied to the 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.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available which may warrant the addition or dismissal of various charges.

### **7.3.2. Ensuring impartiality**

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a Party generally, or specifically.

The Parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Director, or their designee, will determine whether the concern is objectively reasonable and supportable. If so, another person will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Director, concerns should be raised with the Associate Vice Chancellor for Access and Equity.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including inculpatory and exculpatory evidence. Credibility determinations may not be based on an individual's status or participation in this process.

The University presumes that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined by the Decision-Maker Panel to be responsible for a policy violation by the applicable standard of proof.

### **7.3.3. Steps in the investigation process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant Parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All Parties have a full and fair opportunity to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. The Investigators gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.

After each interview with Parties or witnesses suggested by a Party, the Investigator will provide the interviewee an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews.

Interviews cannot be recorded without express written consent by all individuals involved, and no unauthorized recording is permitted by anyone participating in the investigative interviews. 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 or their designee at [eeodivision@illinois.edu](mailto:eeodivision@illinois.edu).

Prior to the conclusion of the investigation, the Investigator will provide the Parties and their respective Advisors of Choice (if so desired by the Parties) an electronic copy of the draft investigation report as well as all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) day review and comment period so that each Party may meaningfully respond to the evidence in writing to the Investigator. The Parties may elect to waive the full ten (10) days.

Both Parties may identify expert witnesses to provide testimony at the hearing, but to do so, the Party must submit in writing to the Investigator the name and contact information for the expert witness by the deadline to submit feedback to the investigative report draft. Also, by this deadline, the expert witness must submit to the Investigator a written report describing their credentials and detailing their intended testimony. The Investigator will share the expert witness' name, contact information, and written report to the other Party within three (3) days of receiving it, and the other Party will have an opportunity to challenge the relevance of the witness's expertise and testimony at a pre-hearing meeting if so requested. The Chair will determine whether the expert witness will be allowed to participate based on an evaluation of whether the witness's expertise and testimony is relevant.

The Investigator(s) will incorporate relevant elements of the Parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The final report is then shared with all Parties and their Advisors through secure electronic transmission or hard copy at least ten (10) days prior to a hearing. The Parties are also provided with two files of evidence. The first file will contain the evidence that the Investigator has found to be relevant to the complaint. The second file will contain evidence that the Investigator has found to be directly related to the complaint but not relevant. Only relevant evidence will be admissible at the hearing. All relevant evidence will be available to the parties at any hearing to give each Party equal opportunity to refer to such evidence during the hearing. During the pre-hearing

meeting and hearing, a party can request that related evidence be recategorized as relevant. The Chair will rule on such requests. If evidence is recategorized as relevant, the Decision-Maker Panel will be able to consider such evidence in its deliberations.

After receiving the final report, each party will have five (5) days to review the report and provide a written response to the Investigator. Each party's response will be shared with the other party and the Chair of the Decision-Maker Panel. Any information contained in the response that was not shared during the investigation will be considered Newly Offered Evidence and handled in accordance with section 7.4.5, below.

#### **7.3.4. Expectations of the parties with respect to advisors**

The Parties are expected to inform the Investigator(s) of the identity of their Advisor of Choice at least three (3) days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The Parties are expected to provide timely notice if they change their Advisor of Choice at any time. Parties are expected to inform the Hearing Facilitator of the identity of their hearing Advisor at least seven (7) days before the hearing.

#### **7.3.5. Evidentiary considerations in the investigation**

The investigation does not consider questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The investigation does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Evidence surrounding romantic or social relationships between parties and witnesses may be relevant to determining the credibility of, and the weight to be given to, testimony. This evidence may be introduced if it does not violate any other provision of these procedures.

### **7.4. Formal Grievance Process – Hearing**

Once the final investigation report is shared with the Parties, the Investigator will refer the matter for a hearing. The hearing must be at least ten (10) days after the day the final investigation report was transmitted to the Parties and the Decision-Maker Panel unless all Parties and the Decision-Maker Panel agree to a written expedited timeline that renegotiates all elements of the timeline including deadlines and notice periods. At least ten (10) days before the hearing, the Hearing Facilitator will send notice of the hearing to the Parties by email, mail, or in-person delivery.

The Hearing Facilitator will select an appropriate three-member Decision-Maker Panel. Two of the members will be selected from the Grievance Process Pool, at the discretion of the Hearing Facilitator. The third member of the panel will be an EEO Associate/Senior Associate/Director/AVC who will serve as the Chair of the Decision-Maker Panel. In cases where the Respondent is a student employee, OAE will have the discretion to appoint one (1) student to the panel, provided that student has received the necessary training. The Decision-Maker Panel will not include any person who has had substantial prior involvement with reviewing or evaluating the facts of an investigation (e.g. served as a secondary Investigator for the matter, served as the supervising Senior Associate for the matter, or reviewed the investigative report before it was finalized). Any Decision-Maker who has a conflict of interest that would render them incapable of making an objective determination must recuse themselves from the proceedings when notified of the identity of the Parties, witnesses, and Advisors in advance of the hearing.

The Parties will be given written notice of the date, time, and virtual location of the hearing, and a list of the names of the individuals serving on the Decision-Maker Panel. All objections to any panelist must be raised in writing, detailing the rationale for the objection, and must be submitted to the Director or their designee as soon as possible and no later than seven (7) days prior to the hearing.

Decision-Makers will only be removed if the Hearing Facilitator determines that a reasonable person would conclude that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Parties may each submit a written impact statement to the Chair of the Decision-Maker Panel prior to the hearing. The impact statement will be considered by the Decision-Maker Panel at the sanction stage of the process if the Respondent is found to have committed the alleged Title IX Sexual Harassment.

#### **7.4.1. Grievance process pool**

The Formal Grievance Process relies on a pool of eligible panel members (“Pool”) to carry out the process. The Pool acts with independence and impartiality. Members of the Pool are trained annually, and can serve in the following roles, at the direction of OAE: As an Advisor to the Parties; As a Decision-Maker panelist regarding the complaint; As an appeal panelist.

#### **7.4.2. Pre-hearing preparation**

The Decision-Maker Panel, after reviewing the final investigation report, will determine who will be called to participate as a witness and relay such information to the Parties at least ten (10) days prior to the hearing. The Parties can suggest additional witnesses in writing to the Chair of the Decision-Maker Panel within three (3) days of receiving the list. The Chair will distribute it to the other panelists and the opposing Party. Such suggestions must be accompanied by a brief explanation of what relevant information the witness could provide. The opposing Party may submit a written dissent or agreement to having the suggested witness testify, with a brief explanation of their

position, within three (3) days of receiving suggested additional witness names. The Decision-Maker Panel will deliberate and decide whether to include the suggested witnesses based on relevance and inform the Parties in writing of their decision.

#### **7.4.3. Pre-hearing meetings**

The Chair will convene a pre-hearing meeting (or meetings) with the Parties and their Advisors to discuss the hearing process and address any questions they may have before the hearing. Both Parties and their Advisors must be present at any pre-hearing meeting.

At pre-hearing meetings, the Parties and their Advisors may make requests for recategorization of evidence. This includes arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these requests during the pre-hearing meeting or in writing prior to the hearing. The pre-hearing meeting(s) will be recorded.

#### **7.4.4. Hearing participation**

Hearings are held virtually with all Parties, witnesses, and other participants appearing at the live hearing virtually. All attendees of the hearing will appear with technology enabling participants simultaneously to see and hear each other. If a Party or witness does not have access to the technology to join a virtual meeting, does not have a private space from which to join the meeting, or would be unable to participate in a virtual hearing for any other reason, they should inform the Hearing Facilitator at least seven (7) days prior to the hearing. OAE will provide private space and the technology needed to join the hearing upon request.

#### **7.4.5. Evidentiary considerations in the hearing**

Any evidence that the Chair determines is relevant may be presented to the Decision-Maker Panel during the hearing. The Decision-Maker Panel will determine what weight to give all evidence based on the totality of the evidence received. The Decision-Maker Panel does not consider evidence that would be contrary to Section 7.3.5.

Any evidence to be presented at the hearing must have been first considered by the Investigator(s) and provided to the opposing Party for review unless all Parties and the Chair assent to its inclusion in the hearing. For the purpose of this section, “Newly Offered Evidence” consists of physical/documentary evidence (e.g. records in paper or electronic form, photographs, emails, voicemails, or text messages) offered by a party or witness at the hearing that were not provided to the investigator during the investigation, and statements by parties or witnesses at the hearing that are substantially distinct from statements made to the investigator during the investigation. As with any evidence or statement at the hearing, the Chair will first evaluate the evidence to determine its relevance. If a party or a member of the Panel, during the hearing, believes that evidence being offered by a party or a witness is Newly Offered Evidence, they may make an objection to the Chair on those grounds. The Chair may also raise concerns of their own accord. If no party or panel



member objects, and the evidence has not been excluded by the Chair on grounds of irrelevance or any other grounds, the evidence shall be admissible and may be considered by the Panel.

Upon an objection being made, the Panel will evaluate whether the evidence in question constitutes Newly Offered Evidence as defined above. The Panel may ask questions of the investigator, the person offering the evidence in question, and any party, as needed, but will deliberate in private to reach its determination. If the evidence in question is testimony from a person at the hearing, the Panel may determine that the testimony is sufficiently related to that person's statements to the Investigator during the investigation to determine that the testimony is admissible. If the Panel determines that the evidence is not admissible (e.g. because it is irrelevant or duplicative of evidence already on the record), the evidence will be excluded from the hearing and will not be considered by the Panel when reaching its findings. If the Panel determines that the evidence is relevant and not duplicative, the Panel will adjourn the hearing and instruct the Investigator to re-open the investigation to consider that evidence.

If, during the hearing, information is presented that identifies a new potential witness (i.e., a person who was not previously identified to, or interviewed by, the Investigator and who the Panel determines is likely to have information or observations relevant to the subject matter of the hearing that could alter the outcome of the hearing), the Panel may adjourn the hearing and instruct the Investigator to re-open the investigation to interview the new witness. Alternatively, if the witness is available and both Parties and the Chair assent to the witness being called to testify, the witness may testify during the hearing.

When the Investigator has completed their review of the newly offered evidence and provided an updated report to the parties in the manner described in VII.4 above, the Chair will reconvene the hearing pursuant to these procedures.

#### **7.4.6. Hearing procedures**

Participants at the hearing will include the Chair, two additional panelists, the Investigator(s) who conducted the investigation, the Parties, Advisors to the Parties, any called witnesses, and anyone providing authorized accommodations or assistive services. The Hearing Facilitator will also be present in the hearing to provide support to the Panel; they will not participate in questioning or offer any opinions beyond answering questions about policy, procedures, and processes during deliberation. The hearing will be closed to the public.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. Witnesses who have relevant information will appear at the hearing to respond to specific questions from the Decision-Maker(s) and the Parties. All witnesses except Advisors will be excluded from the hearing while they are not testifying.

#### **7.4.7. Order of hearing**

The Chair explains the procedures and introduces the participants. The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Maker Panel and the Parties, through their Advisors. The Investigator(s) will be present during the entire hearing process, but not during deliberations.

The Investigators' opinions on credibility, recommended findings, or determinations are not relevant. If any question pertaining thereto is asked, the Chair will instruct the Investigator not to answer it. If any such information is introduced, the Chair will direct that it be disregarded by the Decision-Maker Panel.

Once the Investigator(s) presents their report and are questioned by the Chair and the Advisors, the Parties and witnesses may provide relevant information in the order determined by the Chair. Each Party and witness will first submit to questioning by the Decision-Maker Panel. The Party may then be asked questions by their own Advisor followed by questions from the opposing Party's Advisor. After the Decision-Maker Panel has asked questions of witnesses, witnesses will be questioned by the Complainant's Advisor and then the Respondent's Advisor. Redirect questioning after cross-examination will be permitted at the discretion of the Chair. The Parties are not permitted to directly cross-examine or address each other or any witnesses. All questions must be relayed through the Party's Advisor of Choice or University-Appointed Hearing Advisor. If a Party does not have an Advisor of Choice for the hearing, the University will appoint a University-Appointed Hearing Advisor for the limited purpose of conducting any cross-examination.

All questions are subject to a relevance determination by the Chair. The Advisor<sup>4</sup> will ask the proposed question, the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased based on its relevance. The Chair will explain their decision if disallowing or requiring the question be rephrased. If the question is not permitted, the Chair will direct the Party or witness to whom it was directed not to answer the question. The Chair may also instruct the questioner to reword a relevant question that is asked in a manner that, in the Chair's opinion, is intended to disparage, intimidate, or otherwise harass the individual being questioned.

The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with the Decision-Maker Panel on any questions of admissibility. The Chair may ask an Advisor or a Party to explain why a question is or is not relevant, but the Chair will not entertain argument from the participants on relevance once the Chair has ruled on a question.

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<sup>4</sup> If the hearing is taking place in person, rather than by videoconference, all individuals engaged in the questioning of witnesses shall remain seated while doing so, subject to reasonable accommodations.

Once all Parties and witnesses have testified, the Complainant and Respondent will each be given the opportunity to provide a short closing statement.

#### **7.4.8. Refusal to submit to cross-examination**

If a Party or witness chooses not to submit to cross-examination at the hearing, that choice will not limit the Decision-Maker Panel from considering any statement or evidence provided by that Party or witness at, or prior to, the hearing (including those contained in the investigation report) in the ultimate determination of responsibility for allegations of Title IX Sexual Harassment. Any statements or evidence considered by the Decision-Maker Panel from a party or witness not present at a hearing or who was not subjected to cross-examination shall be assessed for credibility and relevance in the same manner as other evidence presented.

The Decision-Maker Panel may not draw any inference solely from a Party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

#### **7.4.9. Recording hearings**

Hearings (but not deliberations) will be audio and video recorded by the University for purposes of review in the event of an appeal. No other hearing participant (including, but not limited to Parties, Advisors, Witnesses) is authorized to record the proceedings. Any Party may review this recording at any time during the seven years following its creation (subject to any procedures or limitations OAE has in place at the time the review is requested).

#### **7.4.10. Deliberation, decision-making, and standard of proof**

The Decision-Maker Panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the Title IX Sexual Harassment violation(s) in question. A simple majority vote is required to determine the finding. The Preponderance of the Evidence standard of proof is used (i.e., whether it is more likely than not that the Respondent violated the Title IX Sexual Harassment provision of the Sexual Misconduct Policy, as alleged).

When there is no finding of responsibility, the Chair will prepare a written deliberation statement and deliver it to the Hearing Facilitator, detailing the allegations, all the procedural steps taken from receipt of the Formal Complaint through the determination, the findings of fact, determination of responsibility for a violation of policy, rationale, the evidence used in support of its determination as well as any evidence disregarded, credibility assessments, any sanctions, whether any Remedies designed to restore or preserve equal access to the educational program or activity will be provided, and information regarding the procedures and permissible bases for the Parties to appeal.

When there is a finding of responsibility on one or more of the allegations, the Decision-Maker Panel will consult with other appropriate administrators in determining the appropriate sanction. The Decision-Maker Panel and said administrators may then consider the previously submitted Party impact statements in determining appropriate sanctions. The Chair will then prepare a written

deliberation statement and deliver it to the Hearing Facilitator, to include the items listed in the paragraph immediately above this one.

This written deliberation statement must be submitted to the Hearing Facilitator within fourteen (14) days of the end of deliberations, unless the Hearing Facilitator grants an extension and provides notice to the Parties of such. The Hearing Facilitator will provide this written deliberation statement to the Parties simultaneously.

#### **7.4.11. Sanctions**

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

Sanctions can include, but are not limited to educational conversations, training, discipline, discharge, termination, withdrawal from an academic program, and recommendations to pursue revocation of tenure and dismissal. See [Non-Exclusive List of Possible Sanctions for Employees](#). Sanctions for Uni Respondents will comply with all other state and federal laws and will be implemented in a manner consistent with existing school policies.

#### **7.4.12. Long-term remedies and other actions**

The University will treat Complainants and Respondents equitably by providing Remedies to a Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent, and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

[Remedies](#) must be designed to restore or preserve equal access to the recipient's Education Program or Activity. Such Remedies may include the same individualized services described as "supportive measures"; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

The Title IX Coordinator or their designee is responsible for effective implementation of any Remedies.

#### **7.4.13. Failure to comply with sanctions and/or interim and long-term remedies and/or responsive actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified in the written deliberation statement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), up to and including termination from the University.

#### **7.4.14. Resignation while charges pending**

Should a non-student employee Respondent resign, or should their employment be ended for other reasons, while unresolved allegations are pending, the Title IX Sexual Harassment resolution process ends. In this event, the University may shift to an investigation under the Procedures for Addressing Discrimination, Harassment, and Non-Title IX Sexual Misconduct Complaints. Additionally, the University will continue to address and remedy any systemic issues that contributed to the alleged violation(s), and any ongoing effects of the alleged Title IX Sexual Harassment.

The employee whose employment ends with unresolved allegations pending is not eligible for rehire with the University. All University responses to future inquiries regarding employment references for that individual will follow the guidance provided in the University of Illinois System Policy on Consideration of Sexual Misconduct in Prior Employment.

#### **7.4.15. Recordkeeping**

OAE will maintain, for a period of at least seven (7) years, OAE's records of:<sup>5</sup>

- 1) Each Title IX Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation; any disciplinary sanctions imposed on the Respondent; any Remedies provided to the Complainant designed to restore or preserve equal access to the University's Education Program or Activity; any appeal and the result therefrom; any Informal Resolution and the result therefrom.
- 2) All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the University's website.
- 3) Any actions, including any supportive measures, taken in response to a Report or Formal Complaint of Title IX Sexual Harassment, including: the basis for all conclusions that the response was not deliberately indifferent; any measures designed to restore or preserve equal access to the University's Education Program or Activity; and if no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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<sup>5</sup> Other offices, including but not limited to Illinois Human Resources, college/unit Human Resources offices, and the Provost's Office, may also retain their own records regarding a matter that OAE has investigated, and may be governed by different retention schedules.

## 7.5. Dismissal of charges (mandatory and discretionary)<sup>6</sup>

The University must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- a) The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in the Sexual Misconduct Policy, even if proved; and/or
- b) The conduct did not occur in the University's educational program or activity; and/or
- c) The conduct did not occur against a person in the United States; and/or

The University may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- a) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- b) The Respondent is no longer enrolled in or employed by the University; or
- c) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties. Such a dismissal does not preclude action under other applicable state or federal laws or applicable University policies. The dismissal decision is appealable by any Party under the procedures for appeal below (Section VII.7.). A Complainant who decides to withdraw a Formal Complaint may later request to reinstate it or refile it.

## 7.6. Appeals

Any Party may file a written request for an appeal from a determination regarding responsibility, and from OAE's dismissal of a Formal Complaint or any allegations therein. The appellant must submit the written request for an appeal in writing to the Director or AVC within seven (7) days of the delivery of the written deliberation statement. A request for 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.

Appeals must be based on one or more of the following grounds:

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<sup>6</sup> These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

- 1) A procedural irregularity occurred that would change the outcome. If citing this ground for appeal, the appellant is required to cite the section of these procedures that was not followed along with how this irregularity changed the outcome.
- 2) New evidence that would change the outcome and that was not reasonably available when the determination whether Sexual Misconduct occurred or dismissal was made. If citing this ground for appeal, the appellant is required to specify what new evidence they are now aware of, why it was not reasonably available to them at the time of investigation, and when they became aware of it along with how this evidence would change the outcome.
- 3) The Title IX Coordinator, Investigator(s), or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome. If citing this ground for appeal, the appellant is required to specify who has a conflict of interest or bias for or against whom. The appellant must also specify what the bias is for or against, and the evidence of the bias.

If the EEO Division determines that the appellant has not included the specific ground(s) for appeal, the specific outcome requested, reasons in support of the ground identified, and affix their signature, the appeal will not be considered. The Director or AVC will notify the appellant that their appeal is not going to be considered and cite the pertinent deficiencies. Should this communication be necessary, it will not automatically extend the timeframe for filing an appeal.

#### **7.6.1. Appeal procedures**

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 from the Grievance Process Pool consisting of faculty and/or staff to conduct a review of the relevant documents. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. 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). The challenge is to be submitted with a detailed description of the concern to the Director. The Director or their designee will consider these challenges when making a final decision regarding appeal panel membership.



The request for appeal, along with any response from the non-appealing Party will be forwarded to the appeal panel for consideration to determine if the request meets the grounds for appeal. This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds. 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 and their Advisors will be notified in writing of the denial and the rationale.

If an appeal is not submitted within seven (7) days following the delivery of the written deliberation statement, and no extension was requested, the request for appeal will not be forwarded to the appeal panel.

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 and Chair of the Decision-Making Panel. 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 Senior Associate may authorize other non-voting individuals to be present in an advisory role if requested by the panel.

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 Decision-Maker Panel's decision, modify the Decision-Maker Panel's decision, or remand the case to the Decision-Maker Panel with instructions.

The appeal panel will render a written appeal decision in no more than seven (7) days from the day the appeal panel convened, barring exigent circumstances. If the appeal panel requires an extension, they should request such from the Senior Associate. If an extension is granted, the Senior Associate will notify both Parties in writing. 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 Grievance Process.

The written appeal decision will be sent to all Parties simultaneously and will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

The written decision will be delivered by one or more of the following methods: mailed to the local or permanent address of the Parties as indicated in official institutional records or emailed to the

Parties' University-issued email or otherwise approved account. Once mailed or emailed, notice will be presumptively delivered.

### **7.6.2. Sanctions status during the appeal**

Any sanctions imposed after the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the supportive measure procedures detailed in Section V. of these procedures.

## **7.7. Revision of this policy and procedures**

The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, in consultation with the Title IX Coordinator, OAE may make minor modifications to procedures that do not materially jeopardize the legal rights owed to any Party. OAE may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in these procedures.

These procedures will be construed to comply with the applicable laws, regulations, or court decisions.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame it.

## **8. Conflicts of Interest**

### **8.1. Complaint against the Title IX Coordinator**

When there is a report of Title IX Sexual Harassment against the Title IX Coordinator, the Chancellor designates an appropriate Investigator or administrator for purposes of implementation of these 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, but is not limited to, an external Investigator or the System Office's Title IX Coordinator 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. Additionally, the Chancellor will designate an appropriate administrator to serve in the role of the Title IX Coordinator for the limited purpose of overseeing the investigation into the Title IX Coordinator.

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].

## **8.2. Complaint against an administrator in the Office for Access and Equity**

When there is an 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](mailto: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 to the Vice Chancellor for Diversity, Equity and Inclusion [Phone: (217) 300-9580 or [diversity@illinois.edu](mailto: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, the System Office's Title IX Coordinator, 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.

## **8.3. Complaint against the Chancellor**

When there is a Report of Title IX Sexual Harassment 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.

# **9. Other Provisions**

## **9.1. Confidentiality, privacy, and anonymity**

While every effort is made to preserve the privacy of Reports, Parties, and witnesses, the University cannot guarantee confidentiality or anonymity to anyone participating in the investigation process.

Information about Parties and witnesses, including their identity and what information they share with the Investigator is shared with those individuals involved in the investigation and resolution of a complaint who have a need to know. OAE will share information with other University personnel in limited situations as necessary. The University will not share the identity of Reporters, Complainants, Respondents, or Witnesses, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

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.

### **9.2. Duty to cooperate**

All people 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.

### **9.3. Promptness**

All allegations are acted upon promptly once notice or a Formal Complaint is received. Final investigatory reports are generally completed within 90 days of a Formal Complaint being filed. However, extenuating circumstances can cause delay. The University will avoid all undue delays within its control and provide written notice to the Parties of delay, the cause of the delay, and an estimate of the additional time that will be needed as a result.

### **9.4. 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 demonstrably extenuating circumstances at play. The opposing party will be notified when an extension is granted.

## **9.5. 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), OAE will not transmit Reports they receive 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 a criminal investigation. OAE will promptly resume its investigation once law enforcement has concluded its evidence gathering. A decision whether to file a criminal case or not does not determine the outcome in an investigation under these Procedures.

## **9.6. False allegations and evidence**

Deliberately false and/or malicious accusations under these procedures, 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 under the University of Illinois Code of Conduct or the University of Illinois Student Code. Furthermore, OAE, in consultation with the Title IX Coordinator, may determine that the investigation will not continue if the complaint is determined to have been deliberately false and/or malicious.

Additionally, witnesses and Parties knowingly providing false evidence, tampering with, or destroying evidence after being directed to preserve such evidence, or deliberately misleading an Investigator can be subject to discipline under the University of Illinois Code of Conduct or the University of Illinois Student Code.

## **9.7. 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 processes. Individuals seeking reasonable accommodations should contact the [Accessibility and Accommodations 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 accommodations into these procedures where applicable.

## **9.8. Time limits**

There is no time limitation on reporting an allegation to the Title IX Coordinator or OAE. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be limited.

### **9.9. Joint procedures for employee misconduct**

When a Report alleges that an employee has engaged in conduct that would constitute Title IX Sexual Misconduct, and would also constitute misconduct under 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.

### **9.10. Joint procedures for student employee misconduct**

When a report alleges that an undergraduate or graduate student employee has engaged in Title IX Sexual Harassment, OAE and OSCR will work closely to determine which office will conduct the investigation and may conduct a joint investigation.

### **9.11. Campus-based University System Office employees**

University of Illinois System Office employees working on the University of Illinois at Urbana-Champaign campus should communicate relevant concerns or initiate complaints and grievances regarding Title IX Sexual Harassment with the System Office's Title IX Coordinator, whose policies and procedures apply.

If the Complainant is a System Office employee and the Report of Title IX Sexual Harassment is against an employee or student of one of the three universities (Urbana, Springfield, or Chicago), the System Office's Title IX Coordinator will report the incident to the appropriate campus, whose policies and procedures apply. The System Office employee Complainant may also report directly to the appropriate University if the Respondent is a University employee or student. The University Title IX Coordinator will review reporting options with the Complainant and connect the U of I System Office employee to the System Office's Title IX Coordinator for resources and support services.

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