

SEXUAL MISCONDUCT POLICY

The purpose of this policy is to foster an academic and working environment free from any form of discrimination and harassment, and to provide guidelines for complaints and corrective action. This policy applies to the entire Robert Morris University community, i.e. students, faculty, staff and visitors. The University does not tolerate any violence including sexual assault, sexual harassment, domestic violence, dating violence, stalking, or sexual orientation/gender based harassment which is prohibited by Title IX of the Education Amendments of 1972 and The Violence Against Women Reauthorization Act of 2013.

Members of the Robert Morris community have the right to be free from discrimination, violence or threats of violence, harassment, physical and verbal abuse, on and off campus. This policy prohibits any and all forms of discrimination, harassment, and sexual misconduct. The policy defines, describes, and explains the policies and procedures to: file a complaint, file a report, list direct contacts to file a report or complaint, procedural details for a fair and prompt investigation, safety and security, and list a variety of support and resources.

Robert Morris University is committed to providing resources that educate the RMU community to assist in ensuring a safe, respectful, discrimination and harassment free environment. The university uses the preponderance of the evidence (also known as “more likely than not”) as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like “guilt, “innocence” and “burdens of proof” are not applicable, but the university never assumes a responding party is in violation of university policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

DEFINITIONS OF SEXUAL MISCONDUCT

Sexual Misconduct includes sexual assault, sexual harassment, sexual exploitation, sexual intimidation, dating violence, domestic violence, and stalking. This policy prohibits retaliation against anyone who files a complaint or participates in any investigation of a complaint under this policy.

Sexual misconduct may be a form of sex discrimination prohibited by federal and state discrimination laws, including Title IX of the Education Amendments of 1972 , The Violence Against Women Reauthorization Act of 2013, and Title VII of the Civil Rights Act. In addition, some forms of sexual misconduct violate the criminal laws of the State of Illinois.

Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by

any gender identity, and can occur between people of the same or different gender identities.

Sexual Assault is any unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger, that occurs without indication of consent of either/any of the individuals involved, or that occurs under threat or coercion. Sexual offenses include, but are not limited to, rape (also referred to as sexual assault in the State of Illinois), forcible sodomy, sexual assault with an object, fondling or kissing without consent, incest, statutory rape, and the threat of sexual assault. According to the Department of Justice and the FBI, rape is defined as “The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” This definition includes any gender of the victim or perpetrator, and includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity, including due to the influence of drugs or alcohol or because of age. Physical resistance from the victim is not required to demonstrate lack of consent.

Sexual Harassment is a form of sex discrimination prohibited by Title IX and Title IV. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Examples include:

- ✓ making unwelcome sexual advances for sexual favors and other verbal or physical conduct of a sexual nature as a condition of an employee’s continued employment, or a student’s academic status;
- ✓ making submission to or rejections of such unwelcome conduct the basis for employment or academic decisions affecting an employee or student; or creating an intimidating, hostile or offensive working or education environment by such conduct, which prevents an individual from participating in a program or activity.

Sexual Orientation-Based Harassment includes verbal, non-verbal and physical acts of aggression, intimidation, or hostility based on an individual’s actual or perceived heterosexuality, homosexuality, bisexuality, or transsexuality. Use of the term “sexual harassment” throughout this policy includes sexual orientation-based harassment/misconduct.

Gender-Based Harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Use of the term “sexual harassment” throughout this policy includes gender-based harassment/misconduct.

Dating and Relationship Violence means acts, threats, or a pattern of abusive behavior of a physical or sexual nature by one partner intended to control, intimidate, manipulate, humiliate, frighten, coerce, or injure the other. These acts may be directed toward a spouse, an ex-spouse, a current or former boyfriend or girlfriend, or a current or former dating partner.

Domestic Violence is defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Incapacitation is the physical and/or mental inability to make informed, rational judgments that voids an individual's ability to give consent. Incapacitation may be caused by a permanent or temporary physical or mental impairment. Incapacitation may also result from the consumption of alcohol or the use of drugs.

Coercion is an unreasonable amount of pressure to engage in sexual activity, the practice of persuading or forcing someone to do something by use of force or threats.

Sexual Exploitation is taking sexual advantage of another person without effective consent. This includes, but is not limited to, causing the incapacitation of another person for a sexual purpose, causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person, or allowing third parties to observe sexual acts.

Stalking is defined as harassing or threatening another person to the point where that individual fears for his/her safety or the safety of his/her family. Stalking can occur in various forms including, but not limited to, in person, through third parties, and electronically (phone, internet, social media, texting, etc.).

Retaliation

Title IX prohibits retaliation. It is a violation of Title IX and University policy for any person or group to retaliate against, interfere with, coerce or take any other adverse action against a person or group (student, faculty member, staff member, visitor,) that: 1) reports sexual misconduct; 2) seeks advice concerning sexual misconduct; 3) assists or supports another individual or group that reports sexual misconduct; or 4) participates as a witness or in the investigation of a sexual misconduct report.

Retaliation includes threats, intimidation, and reprisals. The University will take immediate and responsive action to any report of retaliation. An individual reporting sexual misconduct is

entitled to protection from retaliation following a report that is made in good faith, even if the report is later not proven. Any individual or group that violates this policy is subject to disciplinary or remedial action, which can include expulsion from the University, termination of employment, and may also be subject to criminal and/or civil action.

The University recognizes a respondent can also be the subject of retaliation by the complainant or other third party and the same protections against retaliation are afforded the respondent.

DEFINITION OF CONSENT

Consent is defined as a clearly and freely given word or overt action confirming a willing desire to move forward with a specific sexual request, act, or experience. Consent cannot be obtained from individuals who have a temporary or permanent mental or physical incapacity, including being under the influence of drugs or alcohol or because of age.

Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused does not constitute consent. Consent can be withdrawn at any time. Someone who is incapacitated cannot consent.

Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. The manner of dress of the victim at the time of the offense does not constitute consent. Consent to sexual activity can be withdrawn at any time.

Absence of "NO" should NEVER be interpreted as "YES".

REPORTING AN INCIDENT OF SEXUAL MISCONDUCT

Robert Morris University encourages anyone who is or knows someone who has been a victim of sexual harassment and/or misconduct to promptly report the incident. To report an incident involving a sexual assault, sexual harassment, domestic violence, stalking, and dating violence, you may contact:

- ✓ Campus Security at (312) 935-6800
- ✓ Vice President of Student Affairs at (312) 935-2002
- ✓ Title IX Coordinator (312) 935-2020
- ✓ Students living at the University Center may contact an RA on duty or the UC Security Desk.
 - The RA resource room is located in the UC room 213, phone number 312-924-8013
 - The Security Desk phone number is 312-924-8911.
- ✓ Local Police Department 911*

- ✓ Students at the Branch campuses may contact the above numbers and/or the respective campus Director of Education.
- ✓ Complete a confidential Sexual Misconduct Reporting Form at <http://www.robertmorris.edu/about/safetyandsecurity/reportingform/>

The University takes all reports of sexual assault very serious. Any report of sexual assault will be thoroughly investigated. Any member of the RMU community found responsible for sexual assault will have strict disciplinary sanctions imposed which may include dismissal from the University.

*The victim is encouraged to contact the local police department (911) immediately for preservation of evidence and to initiate a criminal procedure. Robert Morris University Campus Security staff will assist the student in notifying these authorities, if the student requests the assistance of these personnel. Robert Morris University will fully cooperate with law enforcement regarding sexual assault offenses.

Responsibilities of the Title IX Coordinator

- Responding to, overseeing and investigating all sexual misconduct complaints.
- Informing students about the options to file a formal complaint through the Office of Student Affairs /Title IX Coordinator and/or file a criminal or civil complaint.
- Implementing interim safety measures, this may include, but are not limited to alternative housing arrangements, academic adjustments and referral to campus and local resources.
- Meeting with students to answer questions regarding the University's policies, procedures and services related to Title IX compliance.
- Ensuring that education and training related to Title IX is provided to the University community.

Student Contact Person(s):

Angela Jordan, Vice President of Student Affairs/Title IX Coordinator
401 S. State Street Suite 700
Chicago, IL60605
Office: (312) 935-2020 Email: ajordan@robertmorris.edu

Janely Rivera, Deputy Title IX Coordinator
401 S. State Street Suite 700
Chicago, IL 60605
Office: (312) 935-2020 Email: jrivera@robertmorris.edu

To file a complaint an individual should contact the office of the Title IX Coordinator, see contact information above. Once an incident is reported, the Title IX Coordinator will provide

information concerning the University's policies and services for victims of sexual harassment and misconduct, its procedures for processing, investigating and handling of such complaints including the procedures for proceeding with a formal complaint and investigation. A formal investigation will include an interview with the complainant, the accused individual and other possible witnesses. The coordinator will also gather other related information or documents. The investigation will take no longer than sixty (60) days, unless there are extenuating circumstances requiring extended time.

At the conclusion of the investigation, the Title IX Coordinator will meet with both the victim and the accused individually to review the findings of the case and to inform both parties of the final outcome of the case. Both parties will receive written documentation of the final outcome.

Retaliation against any person who files a complaint of alleged discrimination, participates in an investigation, or opposes a discriminatory employment or education practice or policy is prohibited under University policy and by state and federal law. An individual who believes he or she was subjected to retaliation can file a grievance about the alleged retaliation under these procedures. If it is determined that retaliation has occurred, sanctions may be imposed, including, but not limited to, suspension or dismissal.

Options for Reporting and Confidentially Disclosing Sexual Misconduct

Robert Morris University encourages victims of sexual misconduct to report the incident so that they can get the support and assistance they need. Reporting the incident will also allow the University to respond appropriately. There are certain employees (i.e. faculty, staff, RA's) who have certain rights and obligations regarding sharing/reporting information.

This policy is intended to outline the various reporting and confidential disclosure options available to members of the university community – so that they can make informed choices about where to turn should they experience sexual misconduct. The University encourages those who have experienced sexual misconduct to talk to someone identified in one or more of these groups.

If the University honors the request for confidentiality, an individual must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the University may not be able to honor an individual's request in order to provide a safe, non-discriminatory environment for all

members of the University community. The University has designated the Title IX Coordinator to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual misconduct.

When weighing an individual's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the increased risk that the alleged perpetrator will commit additional acts of sexual misconduct, such as:

- whether there have been other sexual misconduct complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others;
- whether the sexual misconduct was committed by multiple perpetrators;
- whether the sexual misconduct was perpetrated with a weapon;
- whether the individual who experienced sexual misconduct is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence);
- whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If, for example, the school has credible information that the alleged perpetrator has perpetrated prior sexual misconduct, the balance of factors would compel the school to investigate the allegation and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the complainant's request for confidentiality.

If the University determines that it cannot maintain a complainant's confidentiality, the University will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

Reporting sexual assault is a very personal decision. If an individual is not certain that they wish to file a formal complaint immediately, they should still seek support from the Confidential Resources.

The following Non-Confidential and Confidential Resources are available to assist with making a report:

1. Responsible Employees/Non-Confidential (Obligated to Report)

A responsible employee is required to report all details of an incident including names to the Title IV Coordinator. If the victim would like to initiate an investigation and utilize the University's Grievance Procedure they should report to a "responsible employee". When a report is filed with a "responsible employee" it serves as a formal complaint to the University. The University is obligated to investigate the incident and take the appropriate steps to address the situation.

With the exception of any member of the Counseling Center staff, every employee of the university is a "responsible employee." A "responsible employee" is a University employee who has the authority to redress sexual misconduct and who has the duty to report incidents of sexual misconduct. When an individual tells a responsible employee about an incident of sexual misconduct, the individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

Responsible/Non-Confidential Employees include but are not limited to:

- ✓ The Title IX Coordinator
- ✓ All faculty
- ✓ All employees
- ✓ Security
- ✓ Resident Advisors (RA's)

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual misconduct shared by the complainant, and the University will need to determine what happened – including the names of the complainant and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University's response to the report.

A responsible employee should not share information with law enforcement without the complainant's consent or unless the individual has also reported the incident to law enforcement. Before, or as soon as, an individual reveals any information about sexual

misconduct to a responsible employee, the employee should ensure that the individual understands the employee's reporting obligations.

If the individual wants to maintain confidentiality, the responsible employee will direct the individual to confidential resources. If the individual wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the individual that the University will consider the request, but cannot guarantee that the University will be able to honor it.

When reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Title IX Coordinator of the individual's request for confidentiality.

Responsible employees will not pressure an individual to request confidentiality, but will honor and support the individual's wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure an individual to make a full report if the individual is not ready to.

2. Requesting "Confidential" Reporting

If an individual discloses an incident of sexual misconduct to a responsible employee but wishes to maintain confidential or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all members of the University community, including the individual who has experienced sexual misconduct.

The University will remain ever mindful of the complainant's well-being, and will take ongoing steps to protect the complainant from retaliation or harm and work with the complainant to create a safety plan. Retaliation against the complainant, whether by students or University employees, will not be tolerated. The University will also:

- assist the complainant in accessing other available advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see section on additional support resources);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests;

- inform the complainant of the right to report a crime to campus or local law enforcement; and provide the complainant with assistance if the complainant wishes to do so.

Confidential Resources

- **Counseling Services – Center for Personal Development**
(312) 755-7000
405 N. Wabash Chicago, IL 60611
- **Life Span Center for Legal Services & Advocacy**
70 E. Lake St. #700
312-408-1210 or 773-472-6469
Chicago, IL 60601
Life-span.org
- **Rape Victim Advocates (RVA) (Free Counseling and Legal Advocacy)**
180 N. Michigan
(312) 443-9603
- **Porchlight Counseling:**
(847) 328-6531 (Office)
(773) 730-7077 (Helpline)
- **National Domestic Violence Hotline: (800) 799-SAFE x7233**
Operates 24 hours a day, 7 days a week to provide immediate crisis counseling and referrals

What to do if you or someone you know have been sexually assaulted

- **Get to a safe place as soon as you can.** Contact Campus Security at (312) 935-6800, or call 911 immediately if you do not feel safe.
- **Try to preserve all physical evidence.** Do not shower or bathe, use the toilet, or change clothing, if you can avoid it. If you do change clothes, put all clothing that was worn at the time of the attack in a paper bag, not plastic.
- **Seek medical attention.** A medical examination will provide any necessary treatment and collect important evidence.
- **Contact the Title IX Coordinator at (312) 935-2002 or any member of the Office of Student Affairs (312) 935-2020, Housing: UC Management Office, UC Security Desk or UC Resident Assistant. They will assist you in contacting the police, upon request.** Reporting an incident is an important decision. Reporting may help to protect you, and others from future assaults, apprehend the alleged assailant, and maintain future options regarding criminal prosecution, University disciplinary action, and/or civil action against the perpetrator. Prompt reporting could be the key to successful completion of the case.
- **Talk with counselors:** Contact the Center for Personal Development (312) 755-7000, the National Domestic Violence Hotline (800) 799-7233 or Rape Crisis Hotline 24 hours a day at 1-888-293-2080.

Supporting Someone Who has been sexually assaulted

- Believe the person and acknowledge their courage and reassure them about coming forward
- Encourage them to seek professional help
- Listen without judging and avoid "why" questions
- Encourage independent decision making, even if you disagree
- Be aware of your limitations (utilize on and off campus resources)

Disciplinary Procedures Following a Complaint

Whether or not criminal charges are filed, the university or a person may file a complaint under the Sexual Misconduct Policy alleging that a student or employee violated the University's policy on Sexual Misconduct. Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The university disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Neither the complaint nor the identity of the Complainant will be disclosed except when necessary for a full investigation. The investigator shall file a written report of his/her findings within thirty (60) working days. If there are delays, the report shall state the reasons for the delay.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the university's policy against Sexual Harassment in order to remedy any hostile environment. All conduct proceedings against students, however, will be resolved through the Office of Student Affairs grievance process.

The University uses the "preponderance of evidence" (more likely than not) standard to determine if violations of this policy occurred.

The University may deem it necessary to implement interim protective measures and accommodations to eliminate any hostile environment caused by the sexual misconduct and/or prevent the recurrence of any sexual misconduct.

The University may implement sanctions, remedies or corrective actions following the report of domestic violence, dating violence, sexual assault and/or stalking which may include, but not limited to the following: verbal, warning, written warning, required counseling or therapy, no contact directive, loss of privileges, social probation, campus access restrictions, suspending or terminating accused from educational, athletic, student organizations or campus activities, relocation of housing assignment and class accommodations, social probation, suspension for various lengths of time or dismissal from the University.

Sexual assault,/misconduct, domestic violence, dating violence, and stalking are violations of the Student Code of Conduct.

Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

False Reports

University will not tolerate intentional false reporting of incidents. It is a violation of the [*Student Code of Conduct*] to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Change in Academic or Residential Environment

In the event that the circumstances surrounding an incident of sexual misconduct warrant a change in the academic or residential environment, the University will take the necessary steps to assist the victim in securing a safe and secure environment. Requests must be made by the victim and addressed to the Vice President of Student Affairs at (312) 935-2002 or ajordan@robertmorris.edu. All changes must be reasonable and available.

Counseling Available to Victims of Sexual Assault

The University recognizes the need for support services during this challenging time. Professional counselors are available at no charge to all students. Please contact the Office of Student Affairs (312) 935-2020 or ajordan@robertmorris.edu or studentservices@robertmorris.edu to schedule an appointment. All counseling sessions are confidential. You may also contact our partners listed below:

- **Life Span Center for Legal Services & Advocacy**
70 E. Lake St. #700
312-408-1210 or 773-472-6469
Chicago, IL 60601
Life-span.org
- **National Domestic Violence Hotline:** (800) 799-SAFE x7233
Operates 24 hours a day, 7 days a week to provide immediate crisis counseling and referrals

RMU Prevention and Training Programs

- **Fall and Spring CMT Courses**
- **On-line Blackboard Podcasts**
- **It's On Us National Campaign**
- **Partner with Violence on Illinois Campuses Elimination Strategies (VOICES) Program**
- **Sexual Assault Awareness and Prevention Month (weekly activities)**
- **Floor meetings in Residential Hall**

Additional Support Resources

Crisis Hotlines

24-Hour Chicago Rape Crisis Hotline: 1-888-293-2080

24-Hour Sarah's Inn Domestic Violence Crisis Line: 708-386-4225

24-Hour City of Chicago Domestic Violence Help Line: 1-877-863-6338

24-Hour Spanish Speaking Domestic Violence Hotline: 312-738-5358

National Domestic Violence Hotline: (800) 799-SAFE x7233 (Operates 24 hours a day, 7 days a week to provide immediate crisis counseling and referrals)

LGBT Anti-Violence Project (Center on Halsted) 773 871-2273

Rape Victim Advocates (RVA) (Free Counseling and Legal Advocacy)

180 N. Michigan
(312) 443-9603
<http://www.rapevictimadvocates.org/>

Porchlight Counseling:

(847) 328-6531 (Office)
(773) 730-7077 (Helpline)

Porchlight provides unlimited free counseling to college students at offices throughout the Chicagoland area.

YWCA Metropolitan Chicago Rape Crisis Hotline (Chicago RAINN Affiliate)

(888) 293-2080 in Chicago Metro Area
(630) 971-3927 DuPage County
(708) 748-5672 Southern Suburbs

Not Alone: Together Against Sexual Assault

<https://www.notalone.gov/>

Hospital Emergency Rooms

Northwestern Memorial Hospital

251 E. Huron
Chicago, IL 60611
312-926-2000

John H. Stroger Hospital

1969 W Ogden Ave, Chicago, IL 60612
(312) 864-6000

*****For additional hospitals dial 311*****

Cook County Circuit Court

www.cookcountyclerkofcourt.org
555 W Harrison St, Chicago

TITLE IX

Students may also report sexual misconduct, harassment, or discrimination to the institutions Title IX coordinator(s). This office is responsible for coordinating the institution's compliance

with Title IX. The Title IX Coordinator is the Vice President of Student Affairs or the Vice President for Extracurricular Activities/Director of Athletics. Students who believe they have experienced sexual misconduct, discrimination or harassment should inform the Office of Student Affairs immediately.

Student Contact Person(s):

Angela Jordan, Vice President of Student Affairs/Title IX Coordinator
401 S. State Street
Chicago, IL60605
(312) 935-2020 Email: ajordan@robertmorris.edu

Janely Rivera, Deputy Title IX Coordinator
401 S. State Street Suite 700
Chicago, IL 60605
Office: (312) 935-2020 Email: jrivera@robertmorris.edu

Megan Smith-Eggert, Vice President for Extracurricular Activities/Director of Athletics
Title IX Coordinator for Athletics Compliance Issues
Robert Morris University
401 S. State Street
Chicago, IL60605
(312) 935-4141 Email: msmith@robertmorris.edu

Campus Disciplinary Procedures and Sanctions

STUDENTS

Students have the following options for addressing a grievance, incident or experience of sexual assault or harassment:

The student complainant can request a meeting with the Vice President of Student Affairs to discuss the incident, situation, evidence, and options for resolution.

The student complainant can file a formal written complaint with the Vice President of Student Affairs.

Upon receipt of a formal written complaint of sexual assault or harassment, the Vice President of Student Affairs and/or the Vice President of Human Resources, depending on the complainant and allegation, will conduct an investigation of the allegations.

Upon completion of an investigation, appropriate action will be determined and communicated to all involved parties.

A student can request an appeal to the final decision and/or course of disciplinary action they received by following the University's Student Rights and Responsibilities/Grievance Process outlined in the Student Handbook or by contacting the Office of Student Affairs at (312) 935-2020 or ajordan@robertmorris.edu.

In addition to the University's disciplinary process/sanctions, a person who engages in a sexual assault may be the subject of criminal prosecution and/or civil litigation. In order for criminal prosecution to be considered, the local Police Department must be notified and a sexual assault/abuse report must be generated. Robert Morris University Campus Security staff will assist the student in notifying these authorities, if the student requests the assistance of these personnel. The victim should seek a medical attention as soon as possible. According to Illinois law the emergency room at a medical facility will treat the victim for injuries, STDs, and evidence will be collected at no cost to the victim.

Employees

University administrators must report all alleged sexual assault/harassment complaints or incidents to the Office of Student Affairs for students and the Office of Human Resources for employees, upon immediate notification.

Employee Contact Person:

Ann Bresingham, V. P. of Human Resources/Title IX Coordinator
401 S. State Street
Chicago, IL60605
(312) 935-6688 Email: abresingham@robertmorris.edu

Employees have the following options for addressing a grievance, incident or experience of sexual assault/harassment:

The employee complainant can request a meeting with a Human Resources Representative to discuss the incident, situation, evidence, and options for resolution.

The employee complainant can file a formal written complaint with the Office of Human Resources.

Upon receipt of a formal written complaint of sexual assault/harassment, the Office of Student Affairs and/or the Office of Human Resources, depending on the complainant and allegation, will conduct an investigation of the allegations.

Upon completion of an investigation, appropriate action will be determined and communicated to all involved parties.

An employee can request an appeal to the final decision and/or course of disciplinary action they received by following the University's Problem Resolution Program outlined in the Employee Handbook located on the website at www.robertmorris.edu or by contacting the Office of Human Resources.

Harassment Policy

The purpose of this policy is to foster an academic and working environment free from discrimination and harassment and to provide guidelines for complaints and corrective action.

This policy applies to all Robert Morris University students and employees.

Definitions

Discrimination & Harassment

Discrimination and harassment refers to behavior that is personally offensive, impairs morale, and interferes with the work or educational environment of the University.

This policy refers to but is not limited to harassment in the following areas: gender, age, race, color, ethnicity, disability, national origin/citizenship status, religion, sexual orientation, veteran status, pregnancy, or any other legally protected category in regards to all terms and conditions of employment, admissions, financial aid, athletics, housing, educational programs, activities and any other programs and policies sponsored by the University. Discrimination and harassment also may include generally abusive behavior toward others.

Prohibited discriminatory practices also include retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices and employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities.

Such harassment includes unwelcome or unsolicited remarks or advances of a sexual or racial nature; gestures; unwelcome physical contact; display or circulation of written materials or pictures that are derogatory to males, females, persons with disabilities, or

to racial, ethnic, religious, or any other protected group; and verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group.

Sexual Harassment

Title IX of the Education Amendments of 1972 and the 1980

amendment set forth by the Equal Employment Opportunity Commission states that sex discrimination guidelines under Title VII and Title IX to include sexual harassment, defining the terms as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- ◆ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic performance or employment;
- ◆ Submission or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual;
- ◆ Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive academic or work environment.

Types of Sexual Harassment:

- ◆ "Quid pro quo" harassment occurs when submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual.
- ◆ "Environmental" harassment occurs when sexual conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile, or offensive academic or working environment even if it leads to no tangible or economic academic or job consequences.
- ◆ Federal employment guidelines stipulate that sexual harassment may include the acts of non-employees when the employer or its agents or supervisory employees knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

Harassment in the Higher Education Environment

- ◆ In higher education, sexual harassment may include any unwelcome sexual advances or requests for sexual favors made by a higher education representative to

a student, or any conduct of a sexual nature exhibited by a higher education representative toward a student, when such conduct has the purpose of interfering with the student's educational performance or creating an intimidating, hostile, or offensive educational environment.

- ♦ Sexual harassment also includes unsolicited, deliberate, or repeated sexually explicit derogatory statements, gestures, or physical contacts that are objectionable to the recipient and that cause discomfort or humiliation, when such conduct is interpreted by students upon University staff members.

Policy Guidelines

This policy refers to but is not limited to harassment in the following areas: gender, age, race, color, ethnicity, disability, national origin/citizenship status, religion, sexual orientation, veteran status, pregnancy, or any other legally protected category in regards to all terms and conditions of employment, admissions, financial aid, athletics, housing, educational programs, activities, and any other programs and policies sponsored by the University. Discrimination and harassment also may include general abusive toward others.

Any material that is sexual, violent, or offensive in nature that is sent or received electronically is included in this policy.

Personal relationships of a romantic or sexual nature between faculty and students are prohibited.

Consensual romantic relationships between a supervisor and a subordinate may result in violation of the sexual harassment policy and are strongly discouraged.

Faculty, staff and administrative employees are required to make their supervisors aware of any complaints of alleged harassment from students or employees. If the complaint involves one's supervisor, please contact the Office of Human Resources. University administrators who receive any complaints of alleged harassment are required to keep the identities of all parties involved confidential, except to the extent that disclosure is necessary for implementation of a resolution.

The Office of Student Affairs shall make a record of all reports of alleged harassment from students and the Office of Human Resources shall make a record of all reports of alleged harassment from or against employees.

Retaliation against any parties involved in a harassment complaint or anyone who interferes with the investigation of an alleged harassment incident will be subject to disciplinary action, up to and including dismissal for students, or termination for employees.

Disciplinary action against the harasser or anyone who retaliates or interferes with an investigation of harassment may include corrective action up, to and including dismissal for students or termination for employees.

Procedures

Students

Students who believe they have experienced harassment should inform the Title IX Coordinator at (312) 935-2020 or the Office of Student Affairs immediately.

Student Contact Person:

Angela Jordan, Vice President of Student Affairs/Title IX Coordinator

401 S. State Street Suite 700

Chicago, IL 60605

(312) 935-2020 Email: ajordan@robertmorris.edu

Janely Rivera, Deputy Title IX Coordinator

401 S. State Street Suite 700

Chicago, IL 60605

Office: (312) 935-2020 Email: jrivera@robertmorris.edu

Students have the following options for addressing a grievance, incident or experience of harassment:

The student complainant can request a meeting with the Title IX Coordinator or Vice President of Student Affairs to discuss the incident, situation, evidence, and options for resolution.

The student complainant can file a formal written complaint with the Title IX Coordinator or Vice President of Student Affairs.

Upon receipt of a formal written complaint of harassment, the Title IX Coordinator, Vice President of Student Affairs and/or the Vice President of Human Resources,

depending on the complainant and allegation, will conduct an investigation of the allegations.

Upon completion of an investigation, appropriate action will be determined and communicated to all involved parties.

A student can request an appeal to the final decision and/or course of disciplinary action they received by following the University's Student Appeal/Grievance Process outlined in the Student Handbook located on the website at www.robertmorris.edu or by contacting the Office of Student Affairs.

Employees

University administrators must report all alleged harassment complaints or incidents to the Office of Student Affairs for students and the Office of Human Resources for employees, upon immediate notification.

Employee Contact Person:

Ann Bresingham, V. P. of Human Resources/Title IX Coordinator
401 S. State Street
Chicago, IL60605
(312) 935-6688 Email: abresingham@robertmorris.edu

Employees have the following options for addressing a grievance, incident or experience of harassment:

The employee complainant can request a meeting with a Human Resources Representative to discuss the incident, situation, evidence, and options for resolution.

The employee complainant can file a formal written complaint with the Office of Human Resources.

Upon receipt of a formal written complaint of harassment, the Office of Student Affairs and/or the Office of Human Resources, depending on the complainant and allegation, will conduct an investigation of the allegations.

Upon completion of an investigation, appropriate action will be determined and communicated to all involved parties.

An employee can request an appeal to the final decision and/or course of disciplinary action they received by following the University's Problem Resolution Program outlined in the Employee Handbook located on the website at www.robertmorris.edu or by contacting the Office of Human Resources.