



Policy on Sexual Misconduct

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This document sets forth The Chicago School of Professional Psychology's policy on sexual misconduct and outlines the institution's prohibitions against sexual misconduct, definitions of relevant terms, reporting and response procedures, and the rights and responsibilities of members of The Chicago School of Professional Psychology Community who are impacted by sexual misconduct in relation to our academic and work environment.

Questions about Title IX, the Campus SaVE Act, and this policy may be directed to titleIX@thechicagoschool.edu.

Title IX Coordinator

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Community members may also direct questions about Title IX and the Campus SaVE Act to:

United States Department of Education Office of Civil Rights (OCR)

Customer Service Hotline: 800-421-3481

TDD#: 877-521-2172

Website: www.ed.gov/ocr

E-mail: ocr@ed.gov

400 Maryland Avenue SW, Washington, DC 20202-1100

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I. POLICY SUMMARY

The Chicago School of Professional Psychology (TCSPP) is committed to creating and maintaining a safe learning and working environment that is free of unlawful discrimination, harassment, exploitation, or intimidation. As such, TCSPP prohibits sexual misconduct in all forms, including but not limited to sexual harassment and sexual violence. TCSPP will respond promptly and effectively to reports of sexual misconduct, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior in violation of this Policy. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, TCSPP has developed internal policies and procedures that will provide a prompt, fair, and impartial process for those involved in an allegation of sexual misconduct. TCSPP values and upholds the equal dignity of all members of its community, and strives to balance the rights of the parties in what is often a difficult time for all those involved.

TCSPP also bars retaliation against any person who exercises their rights under this Policy, including filing a good faith report of sexual misconduct, participating in the complaint resolution procedures relating to the same, supporting a reporting or responding party or assisting in providing information relevant to an investigation.

II. POLICY SCOPE

A. Applicability

This policy applies to all employees, students, and other TCSPP Community Members, including but not limited to guests and visitors, regardless of sex, gender identity, or sexual orientation. TCSPP has jurisdiction to investigate conduct occurring on TCSPP's campuses, in connection with its educational programs, activities, and services, or that puts TCSPP Community Members at risk of serious harm or otherwise creates a hostile learning and/or working environment. This policy may also apply to off-campus and to online conduct when the Title IX Coordinator determines that the conduct affects a substantial TCSPP interest. Regardless of where the conduct occurred, TCSPP will address all allegations to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus program or activity. A substantial TCSPP interest includes:

- a) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b) Any situation in which it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights or property, or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of TCSPP.

If the responding party is unknown or is not a member of the TCSPP community, the Title IX Coordinator will assist the reporting party in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement

if the individual would like to file a police report. In addition, TCSPP may take other actions as appropriate to protect the reporting party against such third parties, such as barring the latter from TCSPP property and/or events.

When the responding party is a member of the TCSPP community, the resolution process is applicable regardless of the status of the reporting party, who may or may not be a member of the TCSPP community.

B. Consensual Relationships

This policy covers unwelcome conduct that is sexual in nature. While romantic relationships between TCSPP Community Members may begin as consensual, it is possible that they may evolve into situations that lead to misconduct in violation of this policy. Given the asymmetrical nature of the relationship, voluntary consent from a supervised employee or a student is suspect. In addition, other students and employees may be affected by unprofessional behavior.

Consensual personal relationships between TCSPP Community Members are subject to other policies and ethical considerations, including but not limited to those contained in the Faculty and Staff Handbook, where applicable.

III. DEFINITIONS

At TCSPP, consent is informed, voluntary, and revocable. Consent cannot be given when a person is incapacitated.

Consent is *informed*. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is *revocable*. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately. Any condition on consent imposed by a consenting party must be respected, or the interaction may not be considered consensual.

Consent cannot be given when a person is *incapacitated*. A person cannot consent if s/he is asleep, unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if their understanding of the act is affected by a physical or mental impairment. A person cannot consent if the person is incapacitated due to the use of or influence of alcohol or drugs.

Where states have specific definitions for consent, they are listed below. In all other instances, the general definition of consent listed above is applied.

In California, consent means affirmative, conscious, and voluntary agreement given by both parties to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Neither lack of protest or resistance nor silence means consent has been given. Affirmative consent must be ongoing throughout sexual activity, and consent can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never alone be assumed to be an indicator of consent.

It shall not be a valid excuse to alleged lack of affirmative consent that the responding party believed that the reporting party consented to the sexual activity under either of the following circumstances:

- (A) The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- (B) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the reporting party affirmatively consented.

It shall not be a valid excuse that the responding party believed that the reporting party affirmatively consented to the sexual activity if the responding party knew or reasonably should have known that the reporting party was unable to consent to the sexual activity under any of the following circumstances:

- (A) The reporting party was asleep or unconscious.
- (B) The reporting party was incapacitated due to the influence of drugs, alcohol, or medication so that the reporting party could not understand the fact, nature, or extent of the sexual activity.
- (C) The reporting party was unable to communicate due to a mental or physical condition.

In Illinois, consent means a freely given agreement to the act of sexual penetration or sexual conduct ("sexual activity") in question. Lack of verbal or physical resistance or submission by the reporting party resulting from the use of force or threat of force by the responding party shall not constitute consent. The manner of dress of the reporting party at the time of the offense shall not constitute consent.

A person who initially consents to sexual activity is not deemed to have consented to any sexual activity that occurs after they withdraw consent during the course of that sexual activity. Further, a person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent if a person is under the age of 18. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to the circumstances, including but not limited to the following: the person is incapacitated due to the use or influence of alcohol or drugs; the person is asleep or unconscious; or the person is incapacitated due to mental disability.

In Washington, D.C., consent means words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the reporting party, resulting from the use of force, threats, or coercion by the responding party shall not constitute consent.

Interpersonal Violence (commonly referred to as dating, domestic or relationship violence) is TCSPP's umbrella term that includes verbal, physical, or emotional violence or abuse, or the threat of such abuse, committed by a person who is or has been in an intimate interaction or social relationship of a romantic or intimate nature with the reporting party. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It includes sexual or physical abuse or the threat of such abuse. It does not include acts covered under domestic violence.

Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include but are not limited to unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The question of whether the responding party should have known of the incapacity is an objective question about what a reasonable person, exercising sober, good judgment, would have known, in the same or similar circumstances. Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. In situations where drugs and/or alcohol were consumed, the investigation will assess whether the party was incapacitated. Evidence that may assist in this assessment may include, but is not limited to, whether the individual had slurred speech, unsteady gait, vomited, the type and amount of drugs/alcohol consumed, and the duration of time in which the drugs/alcohol were consumed. Incapacitation also covers a person whose incapacity results from mental or physical disabilities or involuntary physical restraint.

Nonconsensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon a person, that is without consent, with or without force. The sexual touching may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication). Sexual touching includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Nonconsensual Sexual Intercourse¹ is any sexual intercourse however slight, with any object, by a person upon a person, that is without consent, and with or without force. Intercourse

¹ NOTE: Nonconsensual sexual contact and nonconsensual sexual intercourse are often referred to as "sexual assault." As defined by the federal Violence Against Women Act, sexual assault means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Accordingly, for purposes of the TCSPP's policies, sexual assault falls within the College's definition for sexual misconduct.

includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Reporting Party is an individual who reportedly experienced conduct in violation of this policy, regardless of whether that individual participates in the disclosure or review of such a report by TCSPP at any point. In the event that a third-party makes a report of conduct in violation of this policy on behalf of another individual, the third-party will be identified as the “**Reporter.**”

Responding Party is the student, employee or other TCSPP Community Member who is reported to have engaged in conduct in violation of this policy.

Responsible Employee(s) are TCSPP employees who have the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

Retaliation is any materially adverse action taken *because of* a person’s participation in a protected activity. Retaliation includes adverse actions intended to improperly deter involvement of another in these procedures set forth in this Policy, and may involve actions intended either to intimidate or to penalize individuals for their participation. Protected activity includes reporting an incident that may implicate this policy, participating in the resolution process, supporting a reporting or responding party, or assisting in providing information relevant to an investigation.

Sexual Harassment is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person’s employment or education, interferes with a person’s work or educational performance, or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive. Sexual harassment includes sexual violence (see definition below).

Sexual harassment may include incidents between any TCSPP Community Members, including faculty and other academic appointees, staff, student employees, students, , residents, interns, and non-student or non-employee participants in TCSPP programs (e.g., vendors, contractors, visitors, and clients). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

A hostile environment is created when sexual harassment is sufficiently severe or persistent or pervasive and objectively offensive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the university’s educational and/or employment programs.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes quid pro quo sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of an individual’s work or educational development or performance, or evaluation thereof.

Sexual Misconduct includes but is not limited to sexual harassment and sexual violence, including forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking, as defined herein.

Sexual Violence is defined as physical sexual acts engaged without the consent of one party or when one party is unable to consent to the activity. Sexual violence includes nonconsensual sexual intercourse, nonconsensual sexual contact, sexual coercion; interpersonal violence (domestic violence, dating violence and relationship violence); and stalking.

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of their safety or the safety of others, or that would cause a reasonable person to suffer substantial emotional distress.

TCSPP Community Members/Community includes all students, faculty, staff, vendors, contractors, community partners, and visitors.

IV. REPORTING SEXUAL MISCONDUCT

A. Making a Report

TCSPP Community Members who have experienced sexual misconduct or are aware of incidents of sexual misconduct experienced by other TCSPP Community Members should make an immediate report to the local police department and should seek medical attention. For information about how to make a report to local law enforcement or campus security or law enforcement for a specific TCSPP location, click [here](#). The nearest medical facility for each campus is located [here](#).

Note that seeking medical attention is necessary to mitigate the risk of sexually transmitted diseases and pregnancy, and to determine the existence of any physical injuries, as well as the extent of any such injuries or required treatment. Additionally, forensic evidence can be collected if criminal action is or may be desired in the future. Note that it is important to preserve evidence as it may be necessary to provide proof of criminal activity or in obtaining a protective order. Evidence is best collected as soon as possible or within 96 hours of an assault. Assistance with evidence preservation can be provided by medical and/or law enforcement personnel. Note that federal law requires that a medical forensic examination be provided free of charge to a person who has been the survivor of sexual violence.

Reporting sexual violence, domestic violence, dating violence, and stalking to the police does not commit the reporting party to further legal action. However, the earlier an incident is reported, the easier it will be for law enforcement to investigate if the reporting party decides to proceed with criminal charges.

Additionally, TCSPP Community Members should report incidents of sexual misconduct to TCSPP's Title IX Coordinator. The Title IX Coordinator is:

Jennifer Stripe Portillo

Dean for Student Success

E-mail: titleIX@thechicagoschool.edu

Phone: (213) 615-7264

TCSPP Community Members may also report incidents by submitting an online [Incident Reporting Form](#).

A reporting party is not required to report to law enforcement in order to receive assistance from or pursue any options within TCSPP. A reporting party has the option to notify law enforcement authorities, to receive assistance from TCSPP in notifying such authorities, or to decline to notify law enforcement authorities. Also, a reporting party may file both a criminal complaint and a Title IX report.

There is no time limitation on reporting allegations to the Title IX Coordinator. However, if the responding party is no longer subject to TCSPP's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited. Acting on allegations significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer resources and/or remedies, and/or engage in informal or formal action, as appropriate. When a significant time delay impacts the reporting of alleged misconduct, TCSPP will apply the policy in place at the time of the alleged misconduct, and the procedures in place at the time the misconduct is reported.

B. Options for Reporting and Confidentially Disclosing Sexual Misconduct

TCSPP encourages those who have experienced sexual misconduct to talk to someone about what happened so that they may get the support they need and so that TCSPP may respond appropriately.

This section is intended to make TCSPP Community Members aware of the various reporting and confidential disclosure options available so that they may make informed choices about where to turn should they desire to report sexual misconduct. TCSPP encourages those impacted by sexual misconduct to talk to someone identified in one or more of these groups. Individuals may report to TCSPP ("on campus"), to off campus sources such as law enforcement or medical professionals ("off campus") or to confidential resources. Each of these three categories (on campus, off campus and confidential resources) have different reporting obligations, ability to protect student privacy, and ability to have confidential communications, as explained in more detail below.

While TCSPP Community Members are encouraged to use their own judgment in terms of whom they chose to discuss reports of sexual misconduct with, they must also understand that TCSPP can only investigate and respond to incidents of sexual misconduct that it becomes aware of. A reporting party who at first requests confidentiality may later decide to file a complaint with TCSPP or report the incident to local law enforcement, and thus have the incident fully investigated.

1. The Options

a. Privileged and Confidential Communications²

² TCSPP does not employ professional counselors, domestic violence counselors or pastoral counselors to provide on-campus mental health counseling and related services to members of the TCSPP Community. TCSPP faculty and staff who are licensed mental health practitioners are not employed by TCSPP in such a capacity. As such, communications with TCSPP faculty and staff are not privileged or confidential. In addition, faculty and staff who are licensed to provide mental health counseling and related services may have reporting or other obligations under state law.

Professional counselors, domestic violence counselors³, and pastoral counselors who are not employed by TCSPP are not required to report any information about an incident to TCSPP's Title IX Coordinator without a reporting party's permission.

In addition to the variety of professional counselors, domestic violence and pastoral counselors located near each TCSPP campus, TCSPP offers as a benefit to its students and employees the following resources that provide professional counseling services:

- Student Solutions: Student Solutions is a free, confidential, around-the-clock counseling service available to all TCSPP students.
855.460.6668
www.guidanceresources.com
Web identifier: TCSPP
- Employee Assistance Program (EAP): TCSPP employees may receive counseling services through the EAP, which is available 24 hours per day, 7 days per week.
800.272.7255
www.guidanceresources.com
Web identifier: COM589

Counselors who provide services to TCSPP Community Members through Student Solutions or the EAP are not required to disclose reports of sexual misconduct to TCSPP's Title IX Coordinator. While professional and non-professional counselors and advocates may maintain a reporting party's confidentiality vis-à-vis TCSPP, they may have reporting or other obligations under state law. A reporting party should ask the counselor to explain their ability to protect the student's privacy and to maintain confidential communications.

ILLINOIS

TCSPP Community Members, including a reporting party, may contact a confidential advisor, who is not a Responsible Employee, as defined below. Counselors at the YWCA Metropolitan Chicago are confidential advisors for students. YWCA is a community-based sexual assault crisis center and it offers free, confidential services that are available 24 hours per day, 7 days per week. To obtain a confidential advisor, call the hotline at 888.293.2080, identify yourself as a member of the TCSPP Community, and ask for a confidential advisor.

All communications between a confidential advisor and a reporting party pertaining to an incident of sexual misconduct, including all records kept by the confidential advisor in the course of providing the reporting party with services related to the incident of sexual misconduct, shall remain confidential unless (1) the reporting party provides written consent for the disclosure of the communications; (2) failure to disclose would result in a clear, imminent risk of serious physical injury to or death of the reporting party or another person; or (3) failure to disclose would violate state or federal law.

Counselors from YWCA Metropolitan Chicago who provide services to TCSPP Community Members are not required to disclose reports of sexual misconduct to TCSPP's Title IX Coordinator except to provide annual reports of the number and type of incidents of sexual violence reported exclusively to the confidential advisor. Such reports shall not contain any confidential information, including any personally identifiable information.

³ This applies to California students pursuant to Cal. Evid. Code section 1037.8.

b. Reporting to Responsible Employees

A Responsible Employee is a TCSPP employee who has the duty to report incidents of sexual misconduct or other student misconduct, or who a student could reasonably believe has this authority or duty. Generally, disclosures made via classroom writing assignments or discussions or in human subject research do not provide notice that must be reported to the Title IX Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made.

When a reporting party tells a Responsible Employee about an incident of sexual misconduct, the reporting party has the right to expect TCSPP to take immediate and appropriate steps to investigate the allegations and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the reporting party and that TCSPP will need in order to determine what happened including the name(s) of the reporting party(s) and alleged responding party(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

Failure of a Responsible Employee to report an incident of alleged sexual misconduct of which they become aware is a violation of TCSPP policy and may result in disciplinary action for failure to comply.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling TCSPP's response to the report. A Responsible Employee should not share information with law enforcement without the reporting party's consent or unless the reporting party has also reported the incident to law enforcement.

The following employees (or categories of employees) are TCSPP's Responsible Employees:

- Title IX Coordinator
- Deputy Title IX Coordinators
- Title IX Support Staff
- President, Vice Presidents, Associate Vice Presidents, and Assistant Vice Presidents
- Deans, Associate Deans, and Assistant Deans
- Student Success Employees
- Student Support Counseling Employees
- Office of Placement and Training Employees
- Human Resources Employees
- Department Chairs, Associate Department Chairs, and Assistant Department Chairs
- Executive Directors and Directors
- Department Managers

Before a reporting party reveals any information to a Responsible Employee, the Responsible Employee should ensure that the reporting party understands the employee's reporting obligations and should inform the reporting party that they have the right to request confidentiality that the Title IX Coordinator will consider. If the reporting party wants to maintain confidentiality, they should be directed to confidential resources.

If the reporting party wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the reporting party that TCSPP will consider the request, but cannot guarantee that it will be honored. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the reporting party's request for confidentiality.

Responsible Employees will not pressure a reporting party to request confidentiality, but will honor and support the reporting party's wishes, including for TCSPP to fully investigate an incident. By the same token, Responsible Employees will not pressure a reporting party to make a full report if the reporting party is not ready to do so.

c. Reporting to Law Enforcement

TCSPP Community Members are also encouraged to report to law enforcement officials and may pursue the filing of a criminal complaint. An individual considering making a criminal complaint who has questions or concerns about confidentiality is encouraged to contact their local law enforcement agency to obtain additional information about the agency's reporting obligations to other entities, its ability to protect an individual's privacy and its ability to have confidential communications during the criminal complaint process.

d. Reporting to Medical Professionals

TCSPP Community Members may make a report to medical professionals. Medical professionals may be covered by federal and/or state privacy laws, such as HIPAA. In addition, under state law, medical professionals may be required to alert police when it reasonably appears that the individual requesting treatment has received an injury sustained as a survivor of a criminal offense, including sexual violence. However, it is the individual's choice as to whether they want to speak to the police.

e. Reporting Online, Anonymously, and Confidentially

TCSPP Community Members, including bystanders, and third parties may submit a report electronically using the online [Incident Reporting](#) form. Reports may also be made anonymously, without identifying the reporting party. Anonymous reports will be preliminarily investigated to the extent possible, both to assess the underlying allegation(s) and to determine if remedies can be provided. However, anonymous reports typically limit TCSPP's ability to investigate, respond, and provide remedies, depending on what information is shared. Additionally, all Responsible Employees of TCSPP are required to promptly share all known details of a report with the Title IX Coordinator.

2. How TCSPP Will Weigh and Respond to Requests for Confidentiality

If a reporting party discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, TCSPP must weigh that request against TCSPP's obligation to provide a safe, non-discriminatory environment for all students, including the reporting party, and to comply with applicable law.

If TCSPP honors the request for confidentiality, the reporting party must understand that TCSPP's ability to meaningfully investigate the incident, pursue disciplinary action against the alleged responding party(s) and/or remedy the situation may be limited. There may be times when TCSPP

may not be able to honor a reporting party's request in order to provide a safe, non-discriminatory environment for all students.

TCSPP has designated the Title IX Coordinator to evaluate requests for confidentiality once a Responsible Employee is on notice of alleged sexual misconduct.

When weighing a reporting party's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including but not limited to the following:

- the reporting party's availability and interest in participating in additional stages of the process;
- the severity and impact of the sexual misconduct;
- whether there is increased risk that the alleged responding party will commit additional acts of sexual or other misconduct, such as:
 - whether there have been other sexual misconduct complaints about the same alleged responding party;
 - whether the alleged responding party has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged responding party threatened further sexual misconduct or other violence against the reporting party or others;
 - whether the sexual misconduct was committed by multiple responding parties;
- whether the sexual misconduct was perpetrated with a weapon;
- whether the reporting party is a minor;
- whether TCSPP can undertake any action without the participation of the reporting party and/or possesses other means to obtain relevant evidence of the sexual misconduct, e.g. security cameras or personnel, physical evidence; or
- whether the reporting party'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 TCSPP to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, TCSPP will likely respect the reporting party's request for confidentiality.

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

TCSPP will remain ever mindful of the reporting party's well-being, and will take ongoing steps to protect the reporting party from retaliation or harm and work with the reporting party to create a safety plan. A reporting party will be notified that retaliation whether by students, employees, or other TCSPP Community Members will not be tolerated. Retaliatory actions may include intimidation, threats, or coercion. An individual who engages in retaliation will be subject to disciplinary sanctions which may include any of the sanctions listed in this Policy, and TCSPP will take strong responsive action. TCSPP will also:

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

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

TCSPP will not require a reporting party to participate in any investigation or disciplinary proceeding. For any proceedings or meetings that are held to resolve complaints of alleged student violations of this policy, TCSPP will take steps to protect the privacy of the parties and witnesses.

Because TCSPP is under a continuing obligation to address the issue of sexual misconduct across the institution, reports of sexual misconduct (including non-identifying reports) will also prompt TCSPP to consider broader remedial action such as increased monitoring, supervision, or security at locations where the reported sexual misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments surveys; and/or revisiting its policies and practices.

If TCSPP determines that it can respect a reporting party's request for confidentiality, TCSPP will also take immediate action as necessary to protect and assist the reporting party, but will not otherwise pursue formal action. If the reporting party elects to take no action, they can change that decision later if they decide to pursue a formal process at a later date. With formal reports, a reporting party has the right, and can expect, to have allegations taken seriously by TCSPP, and to have the incidents investigated and properly resolved through these procedures.

3. Amnesty for Sexual Misconduct Reporting Parties and Witnesses

TCSPP encourages reporting of sexual misconduct and seeks to remove barriers to a student making a report. TCSPP has an obligation to provide this amnesty provision which provides limited immunity for any student who makes a good-faith report of an alleged violation of this policy to a Responsible Employee either as a reporting party or a third-party witness. Specifically, the reporting student will not be subject to a disciplinary process or sanction for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violation of the student conduct code was not egregious and did not place the health or safety of any other person at risk.

However, TCSPP may initiate a discussion or pursue other interventions regarding alcohol or other drugs. Amnesty will not be extended for any violations of TCSPP's policies other than those regarding alcohol and drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

4. False Allegations and Information

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties providing knowingly false evidence or deliberately misleading an official conducting an investigation will be subject to discipline under the applicable TCSPP conduct policy.

C. TCSPP's External Reporting Obligations

1. Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual violence, interpersonal violence (domestic violence, dating violence, and relationship violence) and stalking for federal statistical reporting purposes under the Clery Act. All personally identifiable information is kept confidential, but statistical information must be passed along to campus security authorities regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, thereby ensuring greater community safety.

Mandated federal reporters include: student/conduct affairs, local police, student life and events staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This reporting protects the identity of the reporting party and may be done anonymously.

2. Federal Timely Warning Reporting Obligations

Those impacted by sexual misconduct should be aware that Campus Security Authorities must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community, such as in instances involving sexual assault by a stranger. TCSPP will not identify the reporting party in making such reports.

V. TCSPP'S RESPONSE AND RESOLUTION PROCEDURES FOR STUDENT RESPONDING PARTIES

Upon receiving a report of sexual misconduct, TCSPP will respond by providing the reporting party with supportive resources and interim interventions, where appropriate, and by providing the resolution options outlined below. The response and resolution procedures are designed to provide a supportive process for those who report sexual misconduct as well as fairness and due process for the alleged responding party. A reporting party who alleges a violation of this policy has the right to request that the complaint resolution procedure begin promptly and proceed in a timely manner.

TCSPP is obligated to provide a reporting party with concise information, written in plain language, concerning the reporting party's rights and options, upon receiving a report of a violation of this policy. The Statement of Rights and Options is found on [myChicagoSchool](#). In addition, a Statement of the Rights of the Parties is included at the end of this Policy.

TCSPP will not disclose the identity of the reporting party or the responding party, except as necessary to resolve the complaint or to implement interim protective measures and accommodations, or as provided by state or federal law. In order to complete the investigation, TCSPP will need to share the names of the reporting party and responding party, as well as witnesses and others, on an as-needed basis.

Preliminary Inquiry

Following receipt of notice or an alleged violation of TCSPP's Sexual Misconduct policy, the Title IX Coordinator engages in a preliminary inquiry to determine if there is reasonable cause to believe the policy has been violated. The preliminary inquiry is typically 1 to 5 business days in duration.

This inquiry may also help the Title IX Coordinator determine if the allegations involve violence, threat, pattern, predation, minors, and/or the use of a weapon, in the event that the reporting party has asked for no action to be taken.

In any situation in which violence, threat, pattern, predation, minors, and/or the use of a weapon is **not** evidenced, the Title IX Coordinator may respect a reporting party's request not to pursue the matter through the formal resolution process and will investigate informally only so far as necessary to determine appropriate remedies or refer the matter for alternate resolution options.

A. Services

Upon notice of possible sexual misconduct within the scope of this policy, TCSPP will provide the reporting party with information about local, state, and national resources and other supports relevant to sexual misconduct. TCSPP will also provide the reporting party with information about the importance of preserving evidence and the availability of a free medical forensic examination service and will assist the reporting party in notifying law enforcement, including local police, if the reporting party elects to do so. If requested, other participants in the process (such as a reporter or witness) may also be offered appropriate support services and information. Please review [myChicagoSchool](#) for specific information about local resources and supports that may be available to assist TCSPP Community Members.

B. Interim Interventions

During an investigation, interim protections and accommodations for both the reporting party and the responding party may be put in place, regardless of whether the incident is reported to local law enforcement, to support the parties and to protect and preserve access to educational programs. They are also intended to address the short-term effects of harassment, discrimination and/or retaliation, to protect the safety of all parties, and to prevent further violations.

If requested and reasonably available, interim protections may include changes to academic, living, dining, transportation and/or work situations. In addition, TCSPP will provide assistance, if requested, about obtaining and enforcing campus no contact orders, and will honor an order of protection or no contact order entered by a state civil or criminal court. The Title IX Coordinator shall review all requested interim protections and accommodations, shall determine what is available and appropriate and shall notify the party requesting the interim protection or accommodation of the determination. Such interventions may be kept in place until the conclusion of the Title IX investigation and the sanctioning and appeal processes.

At the time that interim interventions are offered, TCSPP will inform the reporting party, in writing, that they may file a formal report with the TCSPP either at that time or in the future, if a report has not already been made.

TCSPP will maintain as confidential the interim interventions, provided that confidentiality does not impair TCSPP's ability to provide the interventions.

TCSPP will use the least restrictive means possible when determining appropriate interim interventions to ensure the continued safety and health of the reporting and responding parties and/or the TCSPP community and to ensure as minimal an academic impact on the reporting and

responding parties, where applicable. TCSPP will implement interventions that do not unreasonably burden the other party and will regularly re-evaluate the actions to determine the necessity of their continued implementation.

TCSPP may restrict a student's access to its campuses, programs, and courses, pending the completion of investigation and resolution procedures when, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the TCSPP community may be jeopardized by the on-campus presence/on-going activity of the responding party. TCSPP may implement such measures if, after engaging in an individualized analysis, it determines that the immediate threat to any member(s) of the TCSPP community justifies removal of the individual.

In all cases in which an interim action/suspension is imposed, the student will be given the option to meet with the Title IX Coordinator prior to such action/suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the action/suspension should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), rather an administrative process intended to determine solely whether the interim action/suspension is appropriate. The Title IX Coordinator has sole discretion to implement or stay an interim action/suspension and to determine conditions and duration. Violation of an interim action under this policy will be grounds for discipline, which may include dismissal from school. During an interim action/suspension, a student may be denied access to campus, equipment, facilities and events.

TCSPP will implement the least restrictive interim actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these measures may include restrictions from classes and/or all other institutional activities or privileges for which the student might otherwise be eligible. For example, such measures could include, but are not limited to: restricting a student's access to or use of TCSPP facilities or equipment, allowing a student to withdraw or take incompletes without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the reporting and responding parties.

C. Options for Resolution

Upon receipt of an allegation or notice to the Title IX Coordinator of an alleged violation of this policy, TCSPP initiates this resolution process, which involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the Policy has been violated.

If so, TCSPP will initiate one of three responses: a remedial response because the reporting party does not want to proceed formally; an informal resolution; or a formal resolution including an investigation and an opportunity for a hearing. A formal resolution is thorough, impartial, prompt, fair, and as private as possible.

The investigation and resolution process determine whether this policy has been violated. If so, TCSPP will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address its effects.

1. Informal Resolution

TCSPP recognizes that in certain circumstances, informal resolution of a report of sexual misconduct may be beneficial to the reporting party, the responding party, other involved parties, and/or the TCSPP Community at large. Whether a report of sexual misconduct is appropriate for

informal resolution is within the discretion of the Title IX Coordinator. However, reports of sexual violence will never be resolved informally.

In circumstances where informal resolution is appropriate, and with the consent of both the reporting party and the responding party, TCSPP may utilize informal methods to resolve a report of sexual misconduct. It is not necessary to pursue Informal Resolution first in order to pursue a formal investigation, and any party participating in Informal Resolution can stop the process at any time and request the formal resolution process.

Prior to implementing Informal Resolution, TCSPP 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 TCSPP. TCSPP will obtain voluntary, written confirmation that the reporting and responding parties wish to resolve the matter through Informal Resolution.

2. Decision to Formally Investigate

When the Title IX Coordinator determines that informal resolution is not appropriate or formal resolution is requested by either the reporting party or responding party, TCSPP will launch an investigation.

In circumstances where a reporting party requests confidentiality or asks that TCSPP not pursue investigation into a report of sexual misconduct, the Title IX Coordinator will determine whether the reporting party's request can be honored. In making such a determination, the Title IX Coordinator will consider the following:

- The seriousness of the sexual misconduct as reported;
- The reporting party's age;
- Whether there have been other reports of sexual misconduct about the same responding party;
- The responding party's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.1.

While TCSPP will always seek to obtain the consent of the reporting party prior to pursuing a formal investigation, the final decision as to whether to investigate a report of sexual misconduct lies with the Title IX Coordinator.

When TCSPP proceeds, the reporting party (or their support person, as described below) may have as much or as little involvement in the process as they wish. The reporting party retains all rights of a reporting party under this process irrespective of their level of participation. Typically, when the reporting party chooses not to participate, a support person is appointed as proxy for the reporting party throughout the process, acting to ensure and protect the rights of the reporting party. When the Title IX Coordinator believes it is necessary to move the process forward but also knows that credibility will be a key consideration in the formal process, the Coordinator must balance the institutional need to move forward without the involvement of the reporting party against the rights of the responding party, who is entitled to a fair process in accordance with these procedures.

When the reporting party wishes to proceed or TCSPP determines it will proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct that the

allegation be resolved through one of the following processes, discussed briefly here and in greater detail above and below:

- Informal Resolution – typically used for less serious offenses and only when the reporting and responding parties agree to informal resolution or the responding party is willing to accept responsibility for a violation. A preliminary inquiry will still typically precede this step.
- Formal Resolution – investigation and a hearing before neutral, impartial decision-maker (Hearing Officer), subject to appeal and final determination. Remedies to restore those impacted will be implemented upon a finding of policy violation.

Discretion to Terminate the Process at Any Time

The process followed considers the preferences of the parties, but is ultimately determined by the Title IX Coordinator. If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end and the parties will be notified.

The reporting party may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances. Other appeal options do not apply.

Cross-claims

TCSPP permits the filing of cross-claims but uses the preliminary inquiry, described above, to assess whether the allegations are made in good faith. Cross-claims by the responding party may be made in good faith, but are, on occasion, also made for purposes of retaliation. TCSPP is obligated to ensure that the resolution process is not abused for retaliatory purposes.

Cross-claims determined to have been reported in good faith will be processed using the resolution procedures below. Investigation of such claims may take place after resolution of the initial allegation, in which case a delay may occur. Cross-claims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When cross-claims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this policy.

Responding Party Admits Responsibility For Alleged Violation

The responding party may admit responsibility for all or part of the alleged policy violations at any point during the resolution process. If the responding party admits responsibility for all alleged misconduct, the matter is referred to a Decision-maker who renders the determination that the responding party is in violation of this Policy and determines appropriate sanctions and/or responsive actions in coordination with other appropriate administrator(s).

The appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the reporting party and the community.

If the responding party only admits to part of the alleged policy violations, then the Decision-maker finds the responding party in violation for the admitted violations, and the contested allegations will be resolved using Formal Resolution. Any applicable sanctions will be issued upon completion of the Formal Resolution process.

D. Investigation

Once the Title IX Coordinator determines that a formal investigation is appropriate, an individual who has been trained to investigate reports of sexual misconduct, e.g. the Title IX Coordinator, Deputy Title IX Coordinator, or other designee approved by the President will conduct a thorough and impartial investigation. The reporting party and responding party will receive written notice of the individual who will conduct the investigation and will have an opportunity to request a substitution if the participation of the individual named poses a conflict of interest.

The Title IX Coordinator will vet the assigned investigator to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied.

Once an investigation has been deemed appropriate, the Title IX Coordinator will provide written notification to the responding party. Notification to the responding party facilitates the responding party's ability to prepare for the interview and to identify and choose a support person to accompany them. Notification will include a summary of the allegations including, if known, the identity of the parties involved, the precise misconduct being alleged, the date and location of the alleged incident(s), the specific policies implicated, a description of applicable procedures, and a statement of the potential sanctions/responsive actions that could result.

Updates on this notice may be made as the investigation progresses and more information is available.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent addresses of the parties as indicated in official TCSP records or emailed to the parties' TCSP-issued email accounts. Once mailed, emailed, and/or received in person, notice will be presumptively delivered. The reporting party is typically copied on such correspondence – if copied, an indication of that will be included on the correspondence to the responding party.

At the discretion of the assigned investigator, the reporting party and responding party may suggest questions to be posed by the investigator to the other party. No audio or video recording of any interviews, meetings or proceedings is permitted by the parties. If the investigator elects to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

The reporting party and responding party are entitled to have a support person of their choosing accompany them to any meeting or proceeding related to any alleged violation of this policy, provided that the involvement of the support person does not result in undue delay of any meeting or proceeding. The support person is present to provide support to the reporting party or responding party during any meetings or proceedings and can provide any advice to the reporting party or responding party prior to such meetings or proceedings. The reporting party and

responding party are required to notify the investigator of the identity of the support person that they decide to bring to any meeting at least 24 hours before the meeting.

All support persons are subject to the same rules, whether or not they are attorneys. A support person may not communicate with an investigator on behalf of the reporting party or the responding party. If the support person is an attorney, the attorney is required to act in a supportive role and may not serve as an advocate or formally represent the party. A support person who steps out of their role in any meeting or proceeding will be warned once and only once. If the support person continues to disrupt or otherwise fails to respect the limits of their role, the support person will be asked to leave the meeting. When the support person is removed from a meeting, that meeting will typically continue without the support person present. Subsequently, the investigator will determine whether the support person may be reinstated, may be replaced by another support person, or whether the party will forfeit the right to a support person for the remainder of the process.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation. While the support person generally may not speak on behalf of their advisee, the support person may consult with their advisee, either privately as needed, or quietly by passing notes during any resolution process meeting or interview, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their support persons should ask for breaks to step out of meetings to allow for private consultation.

TCSPP expects that the parties will wish to share documentation related to the allegations with their support persons. TCSPP will provide a consent form that authorizes such sharing to be signed by the support person at the meeting. The consent form must be completed before any records will be shared. Support persons are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by TCSPP. TCSPP may seek to restrict the role of any support person who does not respect the sensitive nature of the process or who fails to abide by TCSPP's privacy expectations.

A party may elect to change the support person during the process and is not obligated to use the same support person throughout. The parties are expected to inform the investigator of the identity of the support person at least 24 hours before any meeting or proceeding.

Role and Participation of Witnesses

Witnesses (as distinguished from the parties) who are faculty, students, or staff of TCSPP are expected to cooperate with and participate in TCSPP's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of this Policy and may warrant discipline for students in accordance with the Student Handbook and for employees in accordance with the Faculty and Staff Handbook.

Steps in the Investigation

All investigations are thorough, 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, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

The investigators typically take the following steps, if not completed already (not necessarily in order):

- Determine the identity and contact information of the reporting party.
- In coordination with campus partners (e.g. the Title IX Coordinator), initiate or assist with any necessary interim actions or remedial measures.
- Identify all provisions of this policy implicated by the alleged misconduct and notify the reporting and responding parties of the same.
- Assist the Title IX Coordinator with conducting a prompt preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
 - If there is insufficient evidence to support reasonable cause, the inquiry is closed with no further action.
 - If there is sufficient evidence, the formal investigation begins.
- Commence a thorough, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the responding party.
- Meet with the reporting party to conduct an interview or take a statement. This meeting will be conducted in accordance with the established reporting party interview protocol.
- Prepare the initial notice of investigation (NOI) on the basis of the preliminary inquiry. Notice of allegations may be combined with the NOI or provided subsequently. Notice should inform the parties of their right to have the assistance of a support person of their choosing present for all meetings attended by the party.
- When formal notice of allegations is communicated, provide the parties with a written description of the alleged violation(s), including the parties involved, the date and location of the reported misconduct, a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- If and when additional/material alterations to allegations arise, communicate this promptly to the parties. This notice will provide the parties with a summary of the additions to/alterations of the allegations, as well as any changes to the policies implicated.
- Meet with the responding party to obtain a response to the allegations. This meeting will be conducted in accordance with the established interview protocol.
- Provide the parties and witnesses an opportunity to review and verify the investigator's summary notes from their respective interviews and meetings.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.

- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose. Investigators and/or the Title IX Coordinator will provide advanced notice of such meetings, with rare exception.
- Interview all available relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses and questions they wish the investigators to ask of the other party and witnesses.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective support persons (if so desired by the parties) with a list of witnesses whose information will be used to render a finding.
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence, copies of which are to be included in an appendix to the report.
- Prior to the conclusion of the investigation, provide the parties and their respective support persons (if so desired by the parties) a copy of the draft investigation report.
- Provide the parties with an equal opportunity to inspect and review the evidence obtained as part of the investigation that is directly related to the reported misconduct, so that each party may meaningfully respond to the evidence prior to the conclusion of the investigation.
- Provide each party with a full and fair opportunity to respond to the investigation report in writing.
- May choose to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.
- Incorporate relevant elements of the parties' written responses into the final investigation report, make any changes needed, and finalize the report. The final report is then shared with all parties.
- The responding party, if found in violation, is given an opportunity to accept the findings of the investigation and waive a hearing.
 - If the responding party accepts responsibility for all alleged misconduct and waives a hearing, the Investigator will submit the final investigation report, complete with all relevant evidence; the parties' submitted responses; and any subsequent material, documentation, communication, etc.; to the Decision-maker who has had no prior involvement in the process.

- The Decision-maker will review all of the material, render a determination of responsibility, and determine appropriate sanctions in coordination with other relevant administrators, if applicable.
- If either party rejects the recommended findings, in whole or in part, the investigator will refer any contested allegations for a hearing.
- The Title IX Coordinator will provide the Decision-maker with a copy of the final investigation report, complete with all relevant evidence, the parties' submitted responses, and any relevant subsequent materials, documentation, communications, etc.

TCSPP investigates reports of sexual misconduct independently of local law enforcement.

Absent delay to allow police to gather evidence or agreement by the parties, TCSPP will make every reasonable effort to investigate and reach a resolution on all reports of sexual misconduct within 60 business days after the Title IX Coordinator's receipt of a report. An extension to this timeframe may be made for good cause followed by written notice to the Reporting Party and Responding Party of the reason for the extension and the projected new timeline.

Because this procedure is an institutional process and not a judicial one, the presence of legal counsel other than as a support person for a reporting party or responding party, is prohibited.

E. Withdrawal While Investigation is Pending

Students: TCSPP does not permit a responding party who is a student to withdraw if that student has an allegation pending for violation of this policy, without the express written permission of the Title IX Coordinator. Should a student decide to leave and/or not participate in the investigation or resolution, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to TCSPP unless all sanctions have been satisfied. The student will have a hold placed on their account until the allegations have been resolved.

F. Standard of Proof

In investigating and determining whether a violation of this policy has occurred, the Title IX Coordinator will utilize the "preponderance of the evidence" standard of proof. This means that Title IX Coordinator will determine whether it is "more likely that not" that sexual misconduct occurred.

G. Evidentiary Considerations in the Investigation

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding of responsibility does not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern, (2) the sexual history of the parties (though there may be a limited exception made in regard to the sexual history between the parties or when evidence regarding the reporting party's sexual history is offered to prove that someone other than the responding party engaged in the reported misconduct), or (3) the character of the parties.

Admission of Violation

The responding party may admit responsibility for all or part of the alleged policy violations at any point during the resolution process. If the responding party admits responsibility for all of the

alleged misconduct, the matter is directly referred to the Decision-maker, who will make a determination that the individual is in violation of this policy and determine appropriate sanctions and/or responsive actions. If the admission of responsibility occurs prior to a hearing, the responding party will be deemed to have waived a hearing and will be advised of the waiver. These sanction(s) and/or responsive actions are promptly implemented in order to effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the reporting party and the community.

Referral for Hearing

Provided that the contested allegations are not resolved through Informal Resolution and/or the responding party has not admitted responsibility for all the alleged policy violations, the Title IX Coordinator will refer the matter for a hearing within 10 business days of the conclusion of the investigation, barring unusual circumstances.

Decision-maker

The Title IX Coordinator will refer the investigation to a Hearing Officer who shall decide, by a preponderance of the evidence, whether the responding party has violated this policy.

The Hearing Officer will not have had previous involvement with the allegation. Those who have served as investigators will be witnesses in the hearing of the allegation and therefore may not serve as the Hearing Officer. Those who are serving as support persons for either party may not serve as the Hearing Officer in that matter. The Title IX Coordinator may not serve as a Hearing Officer Decision-maker in that matter. The hearing will convene at a time determined by the Hearing Officer.

Evidentiary Considerations

Any evidence that the Hearing Officer believes is relevant and credible may be considered, including an individual's prior misconduct history, as well as evidence indicating a pattern of misconduct. When prior misconduct is related to the current allegations, the prior misconduct may be considered at the findings stage of the process; unrelated prior misconduct (e.g. alcohol abuse) will only be considered during sanctioning. The Hearing Officer may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

While previous conduct violations by the responding party are not generally admissible as information supporting the current allegation, the investigator(s) may supply the Hearing Officer with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous violations of this Policy involving the responding party may be considered in determining the appropriate sanction.

The Hearing Officer renders a determination based on the preponderance of the evidence, i.e., whether it is more likely than not, that the responding party violated this policy.

If all parties opt to waive the hearing, the Title IX Coordinator will refer the matter to the Decision-maker who will determine the appropriate sanctions.

i. Notice of Hearing

Seven business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Hearing Officer will send a letter of notice to the parties. Once emailed, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Hearing Officer may reschedule the hearing.
- Notification that the parties may have the assistance of a support person of their choosing at the hearing (See Section on “Support persons” above).

Hearings for possible violations that occur near or after the end of an academic term/semester and are unable to be resolved prior to the end of term/semester will typically be held as soon as possible and with the goal of meeting the resolution timeline followed by TCSP and remaining within the 60 business day goal for resolution.

ii. Pre-Hearing

The parties will be given the name of the Hearing Officer at least 15 business days in advance of the hearing. All objections to the Hearing Officer must be raised in writing and submitted to the Title IX Coordinator within three business days of notification. The Hearing Officer will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation.

The Hearing Officer will be given a list of the names of all parties and witnesses at least 10 business days in advance of the hearing. If the Hearing Officer cannot make an objective determination, they must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing. If a Hearing Officer is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

The Hearing Officer, after consultation with the parties as necessary, will provide the names of witnesses who will be participating in the hearing, all relevant documentary evidence, and the investigation report between the parties at least seven business days prior to the hearing. Any witness scheduled to participate in the hearing must have been interviewed first by investigators or have proffered a written statement, unless all parties consent to the witness' participation in the hearing.

The Hearing Officer, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) in the investigation report or during the hearing. Otherwise, all parties will have the opportunity to present witnesses at the hearing, to present facts and arguments in full, and to question witnesses and party(ies) during the hearing. Procedures below describe the questioning mechanisms permitted.

Alternative Hearing Options

If a party or parties prefer not to attend the hearing in person or are unable to attend in person due to geographic location, health issues or other reasons deemed appropriate by the Hearing Officer, the parties should request alternative arrangements from the Hearing Officer at least two business days prior to the hearing. The Hearing Officer can arrange to use technology to allow remote testimony without compromising the fairness of the hearing.

iii. Hearing Procedures

Hearings will usually be convened between 15 to 21 business days from the completion of the investigation and will be conducted in private. The Hearing Officer has the authority to hear all allegations made under this policy.

Participants will include the Hearing Officer, the investigator(s) who conducted the investigation, the reporting and responding parties, support persons to the parties, and any called witnesses.

Investigator Presents the Report

The Hearing Officer explains the procedures and introduces the participants. The reporting and responding parties may be present at the hearing if they choose or they may choose to participate in the hearing remotely.

The investigator(s) will then present the redacted report of the investigation and will be subject to questioning by the parties and the Hearing Officer. The investigator(s) will be present during the entire hearing process, but not during deliberations. The investigators' analysis and/or recommendation(s) are not admissible at the hearing. The investigators, support persons, and parties will refrain from discussion of the investigation's recommended findings, analysis, or credibility assessments. If such information is introduced, the Hearing Officer will disregard it. Once the investigator(s) present their report and are questioned, the parties may provide relevant information in turn and the Hearing Officer will question the parties and witnesses, as appropriate, however, neither party shall be allowed to directly question or cross-examine the other during the hearing.

Participation in Hearing

The reporting and responding parties have the right to be present at the hearing. If, despite being notified of the date, time, and location of the hearing, any party is not in attendance, the hearing will proceed as described below. Neither party is required to participate in the hearing in order for the hearing to proceed. Investigators will be present, unless the Hearing Officer permits an absence under extenuating circumstances.

Questioning

The Hearing Officer shall pose questions to investigators, parties and witnesses. If a party or witness does not submit to indirect cross-examination at the hearing, the decision-maker must not rely on **any statement** of that party or witness in reaching a determination regarding responsibility.

If the hearing is conducted using technology and with remote participants, the parties are able to submit written questions of the other party(ies), witnesses, and investigators to the Hearing

Officer. Questions may be submitted in advance of the hearing or during the hearing proceeding itself. The Hearing Officer may also pose their own questions during the hearing.

The Hearing Officer has absolute discretion to determine which questions are relevant to the determination and may decline to pose or permit certain questions.

The Hearing Officer may also direct that certain live questions, once posed, are not appropriate and should not be answered. The Hearing Officer is responsible for ensuring that neither abusive nor inappropriate questioning occurs.

The Hearing Officer may consult with legal counsel, when needed, to help to assess the appropriateness of specific questions. If any party or support person is disrespectful or disruptive to the proceedings, the Hearing Officer will take actions they deem appropriate to impose appropriate decorum.

Evidence Presented at the Hearing

Formal rules of evidence do not apply. Any evidence that the Hearing Officer believes is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The Hearing Officer is responsible for addressing any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence, and will disregard evidence lacking in credibility or that is improperly prejudicial. The Hearing Officer will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

Unless the Hearing Officer determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they evidence a pattern, (2) the sexual history of the parties (though there may be a limited exception with respect to pattern, the sexual history between the parties, or where evidence regarding the reporting party's sexual history is offered to prove that someone other than the responding party engaged in the reported misconduct), if relevant, (3) or the character of the parties. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators may supply the Hearing Officer with information about previous findings to consider as possible evidence of pattern and/or predatory conduct.

There will be no observers in the hearing unless an exception is granted by the Hearing Officer. The Hearing Officer will allow witnesses who have relevant information to join a portion of the hearing in order to respond to specific questions from the Hearing Officer or the parties involved, and then be excused.

In hearings involving more than one responding party or in which two or more reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each responding party to be conducted separately, if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each responding party.

Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The hearings are the property of TCSP and will be maintained by TCSP in accordance with its Document Retention Policy. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Hearing Officer, the parties, their support persons

and appropriate administrative officers of TCSPP will be allowed to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Deliberation and Decision-making

The Hearing Officer will determine whether the responding party is responsible or not responsible for the policy violation(s) in question. The Hearing Officer will base the determination(s) on a preponderance of the evidence (i.e. whether it is more likely than not that the responding party committed each alleged violation).

When there is a finding of responsibility on one or more of the allegations, the parties will then be invited to submit a statement to the Hearing Officer for consideration in determining an appropriate sanction(s). The reporting party may submit a written statement describing the impact of the conduct and expressing a preference about the sanction(s) to be imposed. The Hearing Officer may – at their discretion – consider the reporting party’s preference, but it is not binding.

The responding party may submit a written statement explaining any factors that they believe should mitigate or otherwise be considered in determining the sanction(s) imposed. The Hearing Officer will ensure that each of the parties has an opportunity to review any statement submitted by the other party(ies).

The Hearing Officer will review the impact statements and will recommend/implement the appropriate sanction(s). The Hearing Officer will then prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, the information used in support of its recommendation, and any information the Hearing Officer excluded from its consideration and why. The report should conclude with any sanctions. This report typically should not exceed three pages in length and must be submitted to the Title IX Coordinator within two business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Using the deliberation report, the Title IX Coordinator will prepare a letter of outcome, including the final determination and applicable sanction(s), within three business days of receiving the Hearing Officer’s deliberation report. The letter of outcome will be shared with the parties without significant time delay between notifications. Notification will be made in writing and will be delivered via an email to the parties’ TCSPP-issued email account. Once emailed, notice will be presumptively delivered.

The letter of outcome will identify the relevant policy section(s) violated and will contain a description of the procedural steps taken by TCSPP from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties, and witnesses, site visits, methods used to obtain evidence, and hearings held. The letter will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent TCSPP is permitted to share such information under state or federal law; any sanctions issued which TCSPP is permitted to share according to state or federal law; and any remedies provided to the reporting party designed to ensure access to TCSPP’s educational program or activity, to the extent TCSPP is permitted to share such information under state or federal law. The notification will also include information on

when the results are considered by TCSPP to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any appeals options that are available.

iv. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- The responding party's disciplinary history (if deemed relevant by the Hearing Officer)
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the Hearing Panel/Decision-maker
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the reporting party and the community
- The impact on the parties

The sanctions will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by outside authorities.

In addition to sanctions, the Title IX Coordinator may also recommend that TCSPP or particular TCSPP Community Members take on additional measures to remediate and/or prevent the discrimination, harassment or other conduct in violation of this policy, and to remedy the effects of the sexual misconduct on the reporting party and on TCSPP Community. The Title IX Coordinator may also extend any interim protections and accommodations provided to reporting party.

H. Possible Sanctions

Sanctions for students may include, but are not limited to:

- Formal written warning;
- Performance Improvement Plan (a plan intended to require reflection and remediation of behavior found to have violated this policy);
- No contact order pertaining to certain TCSPP Community Members or physical locations;
- Removal from specific courses or institutional activities;
- Counseling services for the responding party and/or referral to Student Solutions; and/or
- Dismissal from TCSPP.

In addition, further protections for the reporting party may be available.

I. Sanctions Decisions

The outcome of sanctioning decisions shall become final on the following date:

- If neither the reporting party nor the responding party appeal the sanctioning decision, the first business day after the opportunity to appeal has passed;
- If either the reporting party or the responding party appeal the sanctioning decision, the date of issuance of the appeal decision.

VII. APPEALS OF INVESTIGATIVE FINDINGS AND SANCTIONS DECISIONS

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three business days of the delivery of the written letter of outcome to the parties. Any party may appeal the findings and/or sanctions, but appeals are limited to the below grounds.

A three-member appeals panel, consisting of a member of the Title IX team not involved in the matter, a current or previous Student Affairs Committee member, and a faculty member, will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously. All appeals panelists will receive training regarding this policy and the appeals process.

Appeal Grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the submitted appeal request.
- The sanctions imposed fall outside the range of sanctions TCSP has designated for this offense and the cumulative record of the responding party.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that one or more of the appeal grounds has been met, and the other party or parties may, but is not obligated, to show the grounds have not been met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three business days of receiving a copy of the appeal, and/or bring their own appeal on separate grounds within the original appeal timeframe. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three business days. Any response or appeal request will be shared with each party.

When the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and relevant documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original Hearing Officer merely because they disagree with its finding and/or sanctions.
- The Appeals Panel may consult with the Hearing Officer on questions of procedure or rationale for clarification, if needed.
- Appeals granted based on new evidence should normally be remanded to the original investigators and/or Hearing Officer for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the three-member appeals panel.
- Sanctions imposed as the result of the formal or informal resolution processes are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances pending the outcome of the appeal.
 - For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute extraordinary circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three business days from the hearing of the appeal or remand. The letter of outcome for the appeal will be shared with the parties without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official TCSPP records, or emailed to the parties' TCSPP-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.
- The letter of outcome for the appeal will specify the finding on each alleged policy violation, any sanctions that may result which TCSPP is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent TCSPP is permitted to share under state or federal law. The letter will also include information that this is a final result.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural or substantive error cannot be cured by the original Hearing Officer (as in cases of bias), the appeals panel may recommend a new hearing with a new Hearing Officer. The results of a remand to a Hearing Officer cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases where the appeal results in reinstatement to TCSPP or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Other non-student TCSPP Community Members do not have a right to appeal.

Long-Term Remedies/Actions

Following the conclusion of the resolution process and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment or discrimination, remedy its effects, and prevent its reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to Student Solutions
- Education to the individual and/or the community
- Climate surveys
- Policy modification
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by the Institution to the responding party.

The institution will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the institution's ability to provide these services.

Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with the assigned sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator. Failure to abide by the sanctions/actions imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/ actions, including suspension, dismissal, and/or termination from TCSPP and may be noted on a student's official transcript, where applicable. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Records

In implementing this policy, records of all allegations, investigations, formal and informal resolutions, and hearings will be kept indefinitely by the Title IX Coordinator. TCSPP will also retain all materials used to train Title IX Coordinators, investigators, and decision-makers.

VIII. TCSPP'S RESPONSE AND RESOLUTION PROCEDURES FOR EMPLOYEE RESPONDING PARTIES

Upon receiving a report of sexual misconduct, TCSPP will respond by providing the reporting party with supportive resources and interim interventions, where appropriate, and by providing the resolution options outlined below. The response and resolution procedures are designed to provide a supportive process for those who report sexual misconduct as well as fairness and due process for the alleged responding party. A reporting party who alleges a violation of this policy has the right to request that the complaint resolution procedure begin promptly and proceed in a timely manner.

TCSPP is obligated to provide a reporting party with concise information, written in plain language, concerning the reporting party's rights and options, upon receiving a report of a violation of this policy. The Statement of Rights of the Parties is provided at the end of this Policy.

TCSPP will not disclose the identity of the reporting party or the responding party, except as necessary to resolve the complaint or to implement interim protective measures and accommodations, or as provided by state or federal law. In order to complete the investigation, TCSPP will need to share the names of the reporting party and responding party, as well as witnesses and others, on an as-needed basis.

Preliminary Inquiry

Following receipt of notice or an alleged violation of TCSPP's Sexual Misconduct policy, the Title IX Coordinator engages in a preliminary inquiry to determine if there is reasonable cause to believe the policy has been violated. The preliminary inquiry is typically 1 to 5 business days in duration.

This inquiry may also help the Title IX Coordinator determine if the allegations involve violence, threat, pattern, predation, minors, and/or the use of a weapon, in the event that the reporting party has asked for no action to be taken.

In any situation in which violence, threat, pattern, predation, minors, and/or the use of a weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request not to pursue the matter through the formal resolution process and will investigate informally only so far as necessary to determine appropriate remedies or refer the matter for alternate resolution options. However, at all times, TCSPP is required to weigh the reporting party's request with TCSPP's commitment to provide a reasonably safe and non-discriminatory environment.

A. Services

Upon notice of possible sexual misconduct within the scope of this policy, TCSPP will provide the reporting party with information about local, state, and national resources and other supports relevant to sexual misconduct. TCSPP will also provide the reporting party with information about the importance of preserving evidence and the availability of a free medical forensic examination service and will assist the reporting party in notifying law enforcement, including local police, if the reporting party elects to do so. If requested, other participants in the process (such as a reporter or witness) may also be offered appropriate support services and information. Please review [myChicagoSchool](#) for specific information about local resources and supports that may be available to assist TCSPP Community Members.

B. Interim Interventions

During an investigation, interim protections and accommodations for both the reporting party and the responding party may be put in place, regardless of whether the incident is reported to local

law enforcement, to support the parties and to protect and preserve access to educational programs. They are also intended to address the short-term effects of harassment, discrimination and/or retaliation, to protect the safety of all parties, and to prevent further violations.

If requested and reasonably available, interim protections may include changes to work situations. In addition, TCSPP will provide assistance, if requested, about obtaining and enforcing campus no contact orders, and will honor an order of protection or no contact order entered by a state civil or criminal court. The Title IX Coordinator shall review all requested interim protections and accommodations, shall determine what is available and appropriate and shall notify the party requesting the interim protection or accommodation of the determination. Such interventions may be kept in place until the conclusion of the Title IX investigation and the sanctioning and appeal processes.

At the time that interim interventions are offered, TCSPP will inform the reporting party, in writing, that they may file a formal report with the TCSPP either at that time or in the future, if a report has not already been made.

TCSPP will maintain as confidential the interim interventions, provided that confidentiality does not impair TCSPP's ability to provide the interventions.

TCSPP will use the least restrictive means possible when determining appropriate interim interventions to ensure the continued safety and health of the reporting and responding parties and/or the TCSPP community and to ensure as minimal an academic impact on the reporting and responding parties, where applicable. TCSPP will implement interventions that do not unreasonably burden the other party and will regularly re-evaluate the actions to determine the necessity of their continued implementation.

TCSPP may place an employee on paid or unpaid administrative leave, pending the completion of investigation and resolution procedures when, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the TCSPP community may be jeopardized by the on-campus presence/on-going activity of the responding party. TCSPP may implement such measures if, after engaging in an individualized analysis, it determines that the immediate threat to any member(s) of the TCSPP community justifies removal of the individual.

TCSPP will implement the least restrictive interim actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these measures may include restrictions from classes and/or all other institutional activities or privileges for which the employee might otherwise be eligible. For example, such measures could include, but are not limited to: temporarily re-assigning an employee, restricting an employee's access to or use of TCSPP facilities or equipment, and authorizing an administrative leave..

At the discretion of the Title IX Coordinator, alternative work options may be pursued to ensure as minimal an academic impact as possible on the reporting and responding parties.

C. Options for Resolution

Upon receipt of an allegation or notice to the Title IX Coordinator of an alleged violation of this policy, TCSPP initiates this resolution process, which involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the Policy has been violated.

If so, TCSPP will initiate one of three responses: a remedial response because the student reporting party does not want to proceed formally; an informal resolution; or a formal resolution including an investigation.. A formal resolution is thorough, impartial, prompt, fair, and as private as possible.

The investigation and resolution process determine whether this policy has been violated. If so, TCSPP will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address its effects.

1. Informal Resolution

TCSPP recognizes that in certain circumstances, informal resolution of a report of sexual misconduct may be beneficial to the reporting party, the responding party, other involved parties, and/or the TCSPP Community at large. Whether a report of sexual misconduct is appropriate for informal resolution is within the discretion of the Title IX Coordinator. However, reports of sexual violence will never be resolved informally.

In circumstances where informal resolution is appropriate, and with the consent of both the reporting party and the responding party, TCSPP may utilize informal methods to resolve a report of sexual misconduct. It is not necessary to pursue Informal Resolution first in order to pursue a formal investigation, and any party participating in Informal Resolution can stop the process at any time and request the formal resolution process.

Prior to implementing Informal Resolution, TCSPP 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 TCSPP. TCSPP will obtain voluntary, written confirmation that the reporting and responding parties wish to resolve the matter through Informal Resolution.

2. Decision to Formally Investigate

When the Title IX Coordinator determines that informal resolution is not appropriate or formal resolution is requested by either the reporting party or responding party, TCSPP will launch an investigation.

In circumstances where a reporting party requests confidentiality or asks that TCSPP not pursue investigation into a report of sexual misconduct, the Title IX Coordinator will determine whether the reporting party's request can be honored. In making such a determination, the Title IX Coordinator will consider the following:

- The seriousness of the sexual misconduct as reported;
- Whether there have been other reports of sexual misconduct about the same responding party;
- The responding party's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.1.

While TCSPP will always seek to obtain the consent of the reporting party prior to pursuing a formal investigation, the final decision as to whether to investigate a report of sexual misconduct lies with the Title IX Coordinator.

In cases where students are the reporting party, when TCSPP proceeds, the reporting party (or their support person, as described below) may have as much or as little involvement in the process as they wish. The student reporting party retains all rights of a reporting party under this process irrespective of their level of participation. Typically, when the student reporting party chooses not to participate, the Title IX Coordinator may appoint a support person as proxy for the reporting party throughout the process, acting to ensure and protect the rights of the reporting

party. When the Title IX Coordinator believes it is necessary to move the process forward but also knows that credibility will be a key consideration in the formal process, the Coordinator must balance the institutional need to move forward without the involvement of the reporting party against the rights of the responding party, who is entitled to a fair process in accordance with these procedures. In some of these situations, TCSPP's ability to investigate and fully respond may be limited.

When the reporting party wishes to proceed or TCSPP determines it will proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct that the allegation be resolved through one of the following processes, discussed briefly here and in greater detail above and below:

- Informal Resolution – typically used for less serious offenses and only when the reporting and responding parties agree to informal resolution or the responding party is willing to accept responsibility for a violation. A preliminary inquiry will still typically precede this step.
- Formal Resolution – investigation with formal discipline by appropriate supervisor. Remedies to restore those impacted will be implemented upon a finding of policy violation.

Discretion to Terminate the Process at Any Time

The process followed considers the preferences of the parties, but is ultimately determined by the Title IX Coordinator. If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end and the parties will be notified.

The reporting party may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances. Other appeal options do not apply.

Cross-claims

TCSPP permits the filing of cross-claims but uses the preliminary inquiry, described above, to assess whether the allegations are made in good faith. Cross-claims by the responding party may be made in good faith, but are, on occasion, also made for purposes of retaliation. TCSPP is obligated to ensure that the resolution process is not abused for retaliatory purposes.

Cross-claims determined to have been reported in good faith will be processed using the resolution procedures below. Investigation of such claims may take place after resolution of the initial allegation, in which case a delay may occur. Cross-claims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When cross-claims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this policy.

Responding Party Admits Responsibility for Alleged Violation

The responding party may admit responsibility for all or part of the alleged policy violations at any point during the resolution process. If the responding party admits responsibility for all alleged misconduct, the matter is referred to an appropriate supervisor and/or Human Resources who renders the determination that the responding party is in violation of this Policy and determines

appropriate sanctions and/or responsive actions in coordination with other appropriate administrator(s).

The appropriate sanction or responsive actions are promptly implemented in order to effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the reporting party and the community.

If the responding party only admits to part of the alleged policy violations, then the appropriate supervisor and/or Human Resources finds the responding party in violation for the admitted violations, and the contested allegations will be resolved using the investigation process. Any applicable sanctions will be issued upon completion of the Formal Resolution process.

D. Investigation

Once the Title IX Coordinator determines that a formal investigation is appropriate, an individual who has been trained to investigate reports of sexual misconduct, e.g. the Title IX Coordinator, Deputy Title IX Coordinator, or other designee approved by the President will conduct a thorough and impartial investigation. The reporting party and responding party will receive written notice of the individual who will conduct the investigation and will have an opportunity to request a substitution if the participation of the individual named poses a conflict of interest.

The Title IX Coordinator will vet the assigned investigator to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied.

Once an investigation has been deemed appropriate, the Title IX Coordinator will provide written notification to the responding party. Notification to the responding party facilitates the responding party's ability to prepare for the interview and to identify and choose a support person to accompany them. Notification will include a summary of the allegations including, if known, the identity of the parties involved, the precise misconduct being alleged, the date and location of the alleged incident(s), the specific policies implicated, a description of applicable procedures, and a statement of the potential sanctions/responsive actions that could result.

Updates on this notice may be made as the investigation progresses and more information is available.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent addresses of the parties as indicated in official TCSP records or emailed=by to the parties' TCSP-issued email accounts. Once mailed, emailed, and/or received in person, notice will be presumptively delivered. The reporting party is typically copied on such correspondence – if copied, an indication of that will be included on the correspondence to the responding party.

At the discretion of the assigned investigator, the reporting party and responding party may suggest questions to be posed by the investigator to the other party. No audio or video recording of any interviews, meetings or proceedings is permitted by the parties. If the investigator elects to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

The reporting party and responding party are entitled to have a support person of their choosing accompany them to any meeting or proceeding related to any alleged violation of this policy, provided that the involvement of the support person does not result in undue delay of any meeting or proceeding. The support person is present to provide support to the reporting party or responding party during any meetings or proceedings and can provide any advice to the reporting party or responding party prior to such meetings or proceedings. The reporting party and responding party are required to notify the investigator of the identity of the support person that they decide to bring to any meeting at least 24 hours before the meeting.

All support persons are subject to the same rules, whether or not they are attorneys. A support person may not communicate with an investigator on behalf of the reporting party or the responding party. If the support person is an attorney, the attorney is required to act in a supportive role and may not serve as an advocate or formally represent the party. A support person who steps out of their role in any meeting or proceeding will be warned once and only once. If the support person continues to disrupt or otherwise fails to respect the limits of their role, the support person will be asked to leave the meeting. When the support person is removed from a meeting, that meeting will typically continue without the support person present. Subsequently, the investigator will determine whether the support person may be reinstated, may be replaced by another support person, or whether the party will forfeit the right to a support person for the remainder of the process.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation. While the support person generally may not speak on behalf of their advisee, the support person may consult with their advisee, either privately as needed, or quietly by passing notes during any resolution process meeting or interview, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their support persons should ask for breaks to step out of meetings to allow for private consultation.

TCSPS expects that the parties will wish to share documentation related to the allegations with their support persons. TCSPS will provide a consent form that authorizes such sharing to be signed by the support person at the meeting. The consent form must be completed before any records will be shared. Support persons are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by TCSPS. TCSPS may seek to restrict the role of any support person who does not respect the sensitive nature of the process or who fails to abide by TCSPS's privacy expectations.

A party may elect to change the support person during the process and is not obligated to use the same support person throughout. The parties are expected to inform the investigator of the identity of the support person at least 24 hours before any meeting or proceeding.

Role and Participation of Witnesses

Witnesses (as distinguished from the parties) who are faculty, students, or staff of TCSPS are expected to cooperate with and participate in TCSPS's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline for students in accordance with the Student Handbook and for employees in accordance with the Faculty and Staff Handbook.

Steps in the Investigation

All investigations are thorough, 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, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

The investigators typically take the following steps, if not completed already (not necessarily in order):

- Determine the identity and contact information of the reporting party.
- In coordination with campus partners (e.g. the Title IX Coordinator), initiate or assist with any necessary interim actions or remedial measures.
- Identify all provisions of this policy implicated by the alleged misconduct and notify the reporting and responding parties of the same.
- Assist the Title IX Coordinator with conducting a prompt preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
 - If there is insufficient evidence to support reasonable cause, the inquiry is closed with no further action.
 - If there is sufficient evidence, the formal investigation begins.
- Meet with the reporting party to conduct an interview or take a statement. It is expected that this meeting will be conducted in accordance with the established reporting party interview protocol.
- Prepare the initial notice of investigation (NOI) on the basis of the preliminary inquiry. Notice of allegations may be combined with the NOI or provided subsequently. Notice should inform the parties of their right to have the assistance of a support person of their choosing present for all meetings attended by the party.
- When formal notice of allegations is communicated, provide the parties with a written description of the alleged violation(s), including the parties involved, the date and location of the reported misconduct, a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- If and when additional/material alterations to allegations arise, communicate this promptly to the parties. This notice will provide the parties with a summary of the additions to/alterations of the allegations, as well as any changes to the policies implicated.
- Meet with the responding party to obtain a response to the allegations. This meeting will be conducted in accordance with the established interview protocol.
- Provide the parties and witnesses an opportunity to review and verify the investigator's summary notes from their respective interviews and meetings.

- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose. Investigators and/or the Title IX Coordinator will provide advanced notice of such meetings, with rare exception.
- Interview all available relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses and questions they wish the investigators to ask of the other party and witnesses.
- Subject to intervening and unforeseen circumstances, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide regular status updates to the parties throughout the investigation.
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence, copies of which are to be included in an appendix to the report.
- Prior to the conclusion of the investigation, provide the parties and their respective support persons (if so desired by the parties) a copy of the draft investigation report or a related summary, as determined in the sole discretion of the Title IX Coordinator,
- The Title IX Coordinator will provide appropriate supervisor and/or Human Resources with a copy of the final investigation report, complete with all relevant evidence, and any relevant subsequent materials.

TCSPS investigates reports of sexual misconduct independently of local law enforcement.

Absent delay to allow police to gather evidence or agreement by the parties, TCSPS will make every reasonable effort to investigate and reach a resolution on all reports of sexual misconduct within 60 business days after the Title IX Coordinator's receipt of a report. An extension to this timeframe may be made for good cause followed by written notice to the Reporting Party and Responding Party of the reason for the extension and the projected new timeline.

Because this procedure is an institutional process and not a judicial one, the presence of legal counsel other than as a support person for a reporting party or responding party, is prohibited.

E. Withdrawal or Resignation While Investigation is Pending

Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any TCSPS responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

F. Standard of Proof

In investigating and determining whether a violation of this policy has occurred, the Title IX Coordinator will utilize the "preponderance of the evidence" standard of proof. This means that Title IX Coordinator will determine whether it is "more likely than not" that sexual misconduct occurred.

G. Evidentiary Considerations in the Investigation

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding of responsibility does not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern, (2) the sexual history of the parties (though there may be a limited exception made in regard to the sexual history between the parties or when evidence regarding the reporting party's sexual history is offered to prove that someone other than the responding party engaged in the reported misconduct), or (3) the character of the parties.

Admission of Violation

The responding party may admit responsibility for all or part of the alleged policy violations at any point during the resolution process. If the responding party admits responsibility for all of the alleged misconduct, the matter is directly referred to the appropriate supervisor/Human Resources, who will make a determination that the individual is in violation of this policy and determine appropriate sanctions and/or responsive actions. These sanction(s) and/or responsive actions are promptly implemented in order to effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the reporting party and the community.

H. Post Investigation Meetings

In cases involving faculty responding parties, as well as cases involving staff responding parties that also implicate a student as a reporting or responding party, the Title IX Coordinator will then invite the reporting and responding parties to review and discuss the investigation report.

In all other cases solely involving staff responding parties, once the investigation report is completed, the Title IX Coordinator reserves the right to prepare an investigation summary.

Should the investigation report result in a finding of a violation, the Title IX Coordinator will forward the report to /Human Resources, who will review the report and forward it for further consideration as appropriate, including disciplinary actions, including termination. Human Resources will also enter the decision into the responding party's file. It is TCSPP's intent that the sanction(s) imposed will be implemented immediately; however, any decision rendered may be subject to applicable grievance and/or arbitration procedures.

For faculty responding parties, if Human Resources determines that dismissal is appropriate, they will consult the procedures of the Faculty Supplement, and initiate related proceedings as appropriate. In applying these procedures, the finding that the policy has been violated will not be revisited. The sole decision is whether the specific policy violation constitutes acts sufficient to support adequate cause for dismissal.

If Chief Human Resources Officer is the responding party, the President will serve as the disciplinary authority to determine appropriate sanctions. If the President is the responding party, the Chair of the Board of Trustees will serve as the disciplinary authority to determine sanctions.

IX. STATEMENT OF THE RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of misconduct made in good faith to TCSPP officials;

- The right to timely written notice of all alleged violations, including the identity of the parties involved, the precise misconduct being alleged, the date and location of the alleged misconduct, the implicated policies and procedures, and possible sanctions;
- The right to timely written notice of any material adjustments to the allegations (e.g. additional incidents or allegations, additional reporting parties, unsubstantiated allegations) and any attendant adjustments needed to clarify potential policy violations implicated.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible;
- The right to not have any personally identifiable information released to the public, without consent provided, except to the extent permitted by law;
- The right to be treated with respect by TCSPP officials;
- The right to have TCSPP policies and procedures followed without material deviation;
- The right to not be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right to not be discouraged by TCSPP officials from reporting sexual misconduct to both on-campus and off-campus authorities;
- The right to be informed by TCSPP officials of options to notify proper law enforcement authorities, including local police, and the option to be assisted by TCSPP authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by TCSPP officials;
- The right to be informed of available interim actions, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other student services, both on campus and in the community;
- The right to an TCSPP-implemented no-contact order (or a no-trespass order against a non-affiliated third party) when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others;
- The right to be informed of available assistance in changing academic, and/or working situations after an alleged incident of misconduct, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, need occur before this option is available. Such actions may include, but are not limited to:
 - Changing an employee's work environment (e.g. reporting structure, office relocation)
 - Visa/immigration assistance

- Exam, paper, and/or assignment rescheduling or adjustment
 - Taking an incomplete in, or a withdrawal from, a course (may be retroactive)
 - Transferring course sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Alternative course completion options
- The right to have the TCSPP maintain such actions for as long as necessary and for protective measures to remain private, provided privacy does not impair the TCSPP's ability to provide the accommodations or protective measures;
 - The right to be fully informed of relevant TCSPP policies and procedures as well as the nature and extent of all alleged violations;
 - The right to receive a detailed notice of investigation, once TCSPP has decided to pursue a formal investigation, which contains the identity of the parties involved, the date and location of the alleged incident, the specific misconduct alleged, and the policies implicated by the alleged misconduct;
 - The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible;
 - The right to ask the investigator(s) and Hearing Officer/Decision-maker to identify and question relevant witnesses, including expert witnesses;
 - The right to provide the investigator(s)/Hearing Officer/Decision-maker with a list of questions that, if deemed relevant and appropriate by the investigator(s)/Chair/ Hearing Officer/Decision-maker, may be asked of any party or witness;
 - The right to not have irrelevant prior sexual history or character admitted as evidence;
 - The right to know the relevant evidence obtained, and to respond to that evidence on the record;
 - A fair opportunity for the parties to provide the investigator(s) with their account and have that account be on the record.
 - The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least 5 business days to review the report prior to the hearing;
 - The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record;
 - The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, where relevant;
 - The right to regular updates on the status of the investigation and/or resolution;

- The right to have reports of alleged Policy violations addressed by investigators, Title IX Coordinators, and Hearing Officers who have received at least eight hours of relevant annual training;
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings, interviews, and/or hearings that are closed to the public;
- The right to petition that any TCSPP representative in the process be recused on the basis of demonstrated bias and/or conflict of interest;
- The right to have a support person of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process;
- The right to the use of the preponderance of the evidence standard to make a finding after an objective evaluation of all relevant evidence;
- The right to be present for all testimony given and evidence presented during any resolution-related hearing;
- The right to submit an impact statement in writing to the Hearing Panel/Decision-maker following determination of responsibility, but prior to sanctioning;
- The right to be promptly informed in a written notice of outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision by the Institution is considered final and any changes to the sanction that occur before the decision is finalized;
- The right to be informed of the opportunity to appeal, if applicable, the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the Institution;
- The right to a fundamentally fair resolution, as defined in these procedures.

Revision

These policies and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, and discrimination and will be reviewed and updated annually by the Title IX Coordinator. TCSPP 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, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.

If government laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

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