TITLE IX POLICY: DISCRIMINATION

I. PURPOSE

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. and 34C.F.R. Part 106 notes: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. This policy is designed and intended to comply with the requirements of Title IX and 110 ILCS 155. Acts amounting to discrimination based on sex are sometimes termed “sexual misconduct or sexual violence.”

II. SCOPE

This policy applies to all Title IX/sexual misconduct complaints occurring at Rosalind Franklin University (RFU) or within the educational programs and activities that RFU offers. This policy therefore applies to all university faculty, staff, and students, and the behavior addressed in this policy includes that which might be exhibited by other parties. Should the university become aware that any contractor, vendor, partner or other affiliate engages in sexual misconduct, it will take appropriate action.

III. POLICY STATEMENTS

Amnesty Statement: RFU’s amnesty provision is to remove barriers that may prevent reporting an incident of sexual misconduct. If an individual reports an incident of sexual misconduct, in good faith, the reporting party will not be given disciplinary action for a separate university policy violation, which is discovered in the course of the report. However, if the violation was egregious, in a way that places the health or safety of any other person at risk, amnesty may be not afforded.

Non-Discrimination Statement: The University does not engage in or tolerate discrimination on the basis of sex or gender and/or sexual misconduct (which includes sexual harassment and sexual violence) in its educational or employment programs and activities. Such misconducts are forms of unlawful sex discrimination under Title IX and other federal and state laws. Through a thorough and impartial investigation, the university is committed to responding to any instance of such discrimination by taking prompt and effective steps to end the discrimination and address its effects.

Pregnancy/ Parenting Statement: RFU prohibits discrimination against students, faculty and staff based on pregnancy, false pregnancy, termination of
pregnancy, childbirth, or recovery from any of these conditions.

Retaliation Statement: RFU prohibits retaliation against any individual who, in good faith, reports or discloses an alleged violation of this policy, files a complaint, or otherwise participates in the complaint resolution procedure. Any person, who is found to have retaliated in violation of this policy, will be subject to said sanctions up to and including termination of employment or dismissal from the education program, as applicable.

IV. DESIGNATION OF TITLE IX COORDINATOR

The institutional official responsible for coordinating and overseeing university efforts to comply with the requirements of Title IX and this policy is called the Title IX Coordinator. This policy serves as the governing document for the Title IX Coordinator to conduct investigations of sex or gender discrimination involving employees and students. Questions or concerns regarding Title IX, this policy, or other aspects of the university’s commitment to sex or gender non-discrimination may be directed to RFU’s Title IX Coordinator:

Tamekia Scott, EdD
Associate Vice President, Diversity and Inclusion
Title IX Coordinator
HSB - L.675
224.570.7499
TitleIX.Coordinator@rosalindfranklin.edu

V. NOTIFICATIONS ABOUT POLICY AND TITLE IX COORDINATOR

A notice shall be made on the university website and made in student and employee recruitment materials of the substance of Sections 3 and 4 of this policy.

VI. EXAMPLES OF SPECIFIC PROHIBITIONS

A. In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, the university shall not, on the basis of sex, give preference, apply numerical limitations, or otherwise treat one individual differently from another.

B. In providing any aid, benefit, or service to a student, the university shall not, on the basis of sex, provide different aid, benefits, or services or provide them in a different manner, subject any person to separate or different rules of behavior, sanctions, or other treatment, or otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity
C. Regarding full-time or part-time employment, the university shall not, on the basis of sex, exclude from participation in, deny benefits of, or otherwise discriminate in its recruitment, application process, hiring, promotion, termination, compensation, assignments, fringe benefits, or any other term, condition, or privilege of employment.

D. Regarding the learning environment or working environment, unwelcome conduct of a sexual nature that is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability or employee’s ability to participate in or benefit from the services, activities or opportunities offered by the university. Such prohibited conduct might include making sexual propositions or pressuring for sexual favors; touching of a sexual nature; writing graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures, or written materials; performing sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating students as to sexual activity or performance; or circulating or showing emails or web sites of a sexual nature. Such prohibited conduct might be exhibited by university employees, students, or other third parties, such as a visiting speaker or independent contractor. Such prohibited conduct might include verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful, or humiliating. Such prohibited conduct need not include intent to harm, need not be directed at a specific target, and need not involve repeated incidents.

E. Regarding the learning environment or working environment, engaging in acts of sexual violence.

VII. DEFINITIONS

The policy against sex discrimination includes sexual violence within its scope of prohibited conduct. This section addresses the additional provisions applicable to instances of sexual violence.

A. Definitions

1. Consent is a freely given agreement to sexual activity. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent. A person's manner of dress does not constitute consent. 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. A person can withdraw consent at any time. 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 circumstances, including without limitation the following: the person is incapacitated due to the use or influence of alcohol or drugs; the person is under age; or the person is incapacitated due to a mental disability. Consent cannot be given when it is the result of coercion, intimidation, force or threat of harm. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

2. **Domestic violence** includes acts of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

3. **Dating violence** means violence committed by a person—
   a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
   b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
      i. The length of the relationship.
      ii. The type of relationship.
      iii. The frequency of interaction between the persons involved in the relationship.

4. **Sexual Misconduct:** One or more acts of sex discrimination. Such misconduct can occur among, between or to heterosexual, lesbian, gay, bisexual and transgender individuals.

5. **Sexual Penetration/Intercourse:** person to another person contact, however slight, between the sex organ or anus of one by an object, body part, sex organ, or mouth to another.

6. **Sexual Violence:** Completed or attempted nonconsensual sexual acts obtained by force or threat of force. Sexual violence includes sexual assault, domestic violence, dating violence, sexual exploitation, stalking, retaliation, and intimidation.

7. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   a. fear for his or her safety or the safety of others; or
   b. suffer substantial emotional distress.

**B. Available Assistance**

1. **Law Enforcement**
   - Police (North Chicago): 911
   - Campus Security: 847-578-3288
2. **Medical Care**
   - RFU Health System - Student Health: 847-473-4357
   - Lake Forest Hospital Emergency Room: 847-535-6150
   - Highland Park Hospital Emergency Room: 847-480-3751

3. **Counseling and Advocates**
   - Lake County Council Against Sexual Assault (LACASA): 847-872-7799
   - Zacharias Sexual Abuse Center in Gurnee: 847-872-7799
   - Chicago Rape Crisis Hotline: 888-293-2080
   - Student Counseling Services: 847-578-8723
   - Student Affairs and Inclusion: 847-578-8354

4. **Title IX Coordinator**
   - Tamekia M. Scott: 224-570-7499

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**VIII. MANDATORY REPORTING AND INVESTIGATION**

A. Any university employee who believes, in good faith, that discrimination on the basis of sex (which includes sexual harassment and sexual violence) has occurred or is occurring in any of its employment or education programs or activities shall promptly make a report to the Title IX Coordinator. When at all possible, the reporting should be encouraged by individuals experiencing such treatment. An exception to this mandatory reporting obligation is when the information was acquired within the provider/patient relationship such that there is a legally recognized provider/patient privilege. An available alternative is to make the report to the Office of Compliance directly or through the use of the EthicsPoint system (which allows anonymity) by calling 800-254-0460 or navigating to the webpage: [http://rosalindfranklin.ethicspoint.com](http://rosalindfranklin.ethicspoint.com).

B. The Title IX Coordinator shall initiate or ensure cognizant officers initiate prompt and effective steps that are consistent with those described in Section 9 Grievance Procedures. In addition, proper notifications of rights and options shall be provided in accordance with 110 ILCS 155/15.

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**IX. GRIEVANCE PROCEDURES**

Any person who, in good faith, believes he/she has been subjected to any form of sex discrimination in any education program or activity of the university may file a grievance, as further explained in this section. At the university’s discretion employee to employee complaint(s) will adhere to Title IX or Title VII grievance procedures.
A. **Purpose**
These grievance procedures are intended to establish an equitable and standard process of responding to reports of sex discrimination.

B. **Reports of Sex Discrimination and Fact-Gathering Process**
A person who desires to file a grievance must make a report to the Title IX Coordinator and is encouraged to do so as soon as possible after the event or incident. All reports will be thoroughly investigated, as permitted by the circumstances; however, investigative and resolution efforts may be hindered by several factors, such as willingness of the complainant to provide information, the university’s degree of access and control over other sources of information, and the timeliness of the report.

C. **Privacy and Confidentiality**

1. **Privacy**
The university shall protect the privacy of individuals involved in a report of sex discrimination to the extent allowed by law and university policy. A report of sexual assault or harassment may result in the gathering of extremely sensitive information about individuals in the university community. While such information is considered confidential, university policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual assault or harassment when explicitly called for under the law. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of sexual assault and/or harassment may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). However, information regarding disciplinary action taken against the accused shall not be disclosed without the accused’s consent, unless it is necessary to ensure compliance with the action or the safety of individuals.

2. **Confidentiality**
Confidential offices for information regarding resources, options for reports of sexual assault or harassment or how to file a complaint of sexual harassment include the licensed counselors in the Employee Assistance Program for employees and/or licensed counselors at Student Counseling Services and Student Health Center for students. These resources provide individuals who may be interested in bringing a report of sexual assault and/or harassment with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. Individuals who consult with these confidential resources shall be advised that (a) their confidential consultations in those settings are not considered reports of sexual assault or
harassment and that (b) without additional action by the individual, such as reporting to the Title IX Coordinator, Student Affairs, Campus Safety or other university Official, those confidential consultations will not result in any action by the university to resolve their concerns.

Certain university employees, such as the Title IX Coordinator, managers, supervisors, and other designated responsible employees have an obligation to respond to reports of sexual assault and/or harassment, even if the individual making the report requests that no action be taken. An individual’s request regarding the confidentiality of reports of sexual assault or harassment will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the university’s legal obligation to ensure a working and learning environment free from sexual assault and harassment and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the university will comply with requests for confidentiality to the extent possible.

D. Interim Measures
The Title IX Coordinator may take interim measures before completion of the fact-gathering process in an effort to promote safety and full participation in the education programs and activities of all parties concerned. Interim measures are not deemed disciplinary or punitive in nature. Examples of interim measures include modifications in schedules relating to course activities, modifications in housing, modifications to work environment and modifications in transportation. Students requesting modifications may do so through the Division of Student Affairs and Inclusion or the Title IX Coordinator and employees may make such requests through Human Resources or Title IX Coordinator.

E. Optional Alternative Resolution Process
The reporting party filing the grievance may request that the university follow an alternative resolution process to address the alleged conduct in lieu of a more formal process. This optional alternative resolution process would resemble steps associated with mediation, which is a voluntary process that facilitates the parties’ efforts to identify and reach a mutually acceptable resolution to a conflict or dispute. The Title IX Coordinator may grant such a request to address the alleged conduct by means of an alternative resolution process in lieu of a more formal process if, in his/her judgment:

1. the situation is appropriate for voluntary participation of the parties (e.g. not situations that allege violence or physical force) and
2. the parties and the Title IX Coordinator agree that an appropriate amount of information has been gathered in order to determine what happened, the discrimination based on sex (if any) has ended,
and the effects of discrimination based on sex, (if any) have been appropriately addressed.

F. **Formal Resolution Process**

A formal resolution process will be utilized for all grievances of sex discrimination that are not resolved through the alternative resolution process. The specifics of this process will depend upon the status of the person that is the subject of the grievance. When the status of such person is a student, further information may be found in the Student Code of Conduct hearing procedures. When the status of such person is an employee, further information may be found in Human Resources policies. When the status of such person is a faculty, further information may be found in the faculty bylaws. The process will be one that is fair and efficient and will include, at a minimum, the following:

1. **Notice of Allegation and Hearing**
   Notice will be given to the person submitting the grievance and the person that is the subject of the grievance about the allegation and the scheduled hearing that will address that allegation.

2. **Hearing Procedures**
   Hearing procedures will include the opportunity to speak on one’s own behalf, the opportunity to be accompanied by an advisor of choice (although, this advisor would not be permitted to act as a representative to speak on behalf of the person), the opportunity to request the presence of witnesses, the opportunity to present written matters and other evidence, the opportunity to review information that will be considered in the hearing process and respond to that information.

3. **Standard for Findings**
   The standard to use for findings is “preponderance of evidence.” That means that if it is determined that, in light of a fair evaluation of the evidence, that it is more likely than not that a fact existed or act of sex discrimination had occurred, then a finding may be made that the fact existed or an act of sex discrimination had occurred.

4. **Resolutions**
   In the event of a finding that sex discrimination had occurred, a resolution will be determined that is considered to be fair and would likely end the discrimination and address its effects. That resolution would be forwarded to appropriate authority for implementation, consistent with university policy.

5. **Notifications**
   Written notification will be made to the person submitting the grievance and the person that is the subject of the grievance. This notification will include, to the extent permitted by law, the results of the hearing process and a description of the relevant appeal procedures.
X. EDUCATION AND TRAINING

In compliance with the Illinois Preventing Sexual Violence in Higher Education Act (110 ILCS 155), prevention and awareness programming and/or training will be provided to all members of the university community both in written format and through active means appropriate to the status of the participants. Each community member will receive notice of the university’s policies regarding discrimination annually. Flyers, brochures and other information will be distributed throughout campus regularly to ensure up to date information.