



ROSALIND FRANKLIN
UNIVERSITY
of MEDICINE AND SCIENCE

TITLE IX POLICY, PROCEDURES, AND RESOLUTION PROCESS

1. Introduction and Purpose

Rosalind Franklin University of Medicine and Science, along with Rosalind Franklin University Health Clinics (collectively hereinafter “RFU”), is committed to providing an educational and employment environment that is free from unlawful discrimination, including sexual harassment. RFU is committed to taking necessary action to prevent, correct, and, when appropriate, discipline those who have engaged in unlawful sexual harassment.

2. Scope and Application

This policy expresses RFU’s commitment to an environment free from sexual harassment and conforms to the legal requirements of Title IX of the Education Amendments of 1972 (“Title IX”), a civil rights law that prohibits sex discrimination by recipients of federal financial assistance, and the U.S. Department of Education’s implementing regulations for Title IX.

All students, faculty, staff, and others participating in RFU’s education programs and activities, including education and employment, are subject to this policy. This policy only applies to Title IX sexual harassment, as defined in this policy, that takes place in an educational program or activity of RFU, including education and employment, against a person in the United States. An education program or activity includes locations, events, or circumstances over which the University exercised substantial control over both the Title IX respondent and the context in which the Title IX sexual harassment occurs.¹

To report information about conduct that may constitute discrimination, unlawful harassment, or sexual misconduct, which does not fall under the definition of sexual harassment as defined by this policy, make a complaint under RFU’s Harassment and Discrimination Policy or contact a member of the Nondiscrimination Response Team (NDRT).

This policy is only applicable to alleged incidents that occur on or after April 15, 2026.

For alleged incidents of sexual harassment that began prior to April 15, 2026, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator and at the [RFU Title IX website](#).

¹ An educational program or activity also includes any building owned or controlled by a student organization that is officially recognized by a university.

3. Definitions

- **Advisor** any person chosen by a party, or appointed by the institution, who may accompany the party to all meetings related to the resolution process, advise the party on that process, and conduct questioning for the party at the hearing, if any.
- **Complainant** is a student, employee or third party who is alleged to have been subjected to conduct that could constitute a violation of this Policy and who was participating or attempting to participate in RFU's program or activities, including education and employment, at the time of the conduct.
- **Education Program or Activity** includes locations, events, or circumstances, including education and employment, over which the University exercised substantial control over both the Title IX respondent and the context in which the sexual harassment occurs.
- **Formal Complaint** is a document submitted or signed by a complainant or signed by the Title IX Coordinator, alleging a respondent engaged in sexual harassment as prohibited under this Policy and requesting that RFU investigate the allegation(s).
- **Knowledge/Notice/Report** includes any communication of information that defines or substantiates conduct covered by or described in this policy.
- **Non-Discrimination Response Team (NDRT)** is a team consisting of the Title IX Coordinator, the Dean of Students, and the Associate Vice President of Human Resources. This team is responsible for coordinating RFU's response to notice or reports of sexual harassment, implementing supportive measures, and any other actions or resolutions pursuant to the filing of a formal complaint.
- **Respondent** means a person who is alleged to have engaged in conduct in violation of this Policy.
- **Resolution Process** means the procedures followed by RFU upon receipt of a report alleging a violation of this policy, including supportive measures, informal resolution, and investigation and hearing.
- **Party** means a complainant or respondent. **Parties** means both complainant and respondent.
- **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following, which are further defined below: quid pro quo, hostile environment, and the offenses of Sexual Assault, Dating Violence, Domestic Violence, and Stalking.
- **Title IX Coordinator** means the individual designated by RFU to coordinate compliance with Title IX and its implementing regulations, including oversight of RFU's response to reports and complaints of sex-based discrimination, or a trained designee.

4. Sexual Harassment

In compliance with Title IX and for the purposes of this policy, sexual harassment is conduct, on the basis of sex, that satisfies one or more of the following: quid pro quo, hostile environment, specific offenses, or retaliation.

A. Quid Pro Quo:

An employee conditions the provision of an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

B. Hostile Environment:

Unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to RFU's education program or activity.²

C. Specific Offenses:

As defined below, the offenses of Sexual Assault, Dating Violence, Domestic Violence, and Stalking.

i. Sexual Assault

Sexual Assault means any sexual act, including Rape, Criminal Sexual Contact, Incest, and Statutory Rape, directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

a. Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object, without the consent of the victim, including instances where the victim is incapable of giving consent.

b. Criminal Sexual Contact

The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.

c. Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.

² Unwelcomeness is subjective and determined from the perspective of the complainant. Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

d. Statutory Rape

Non-forcible sexual intercourse with a person who is under the age of 17, which is the statutory age of consent under Illinois law.

ii. Dating Violence

Violence committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship; and the frequency of the interaction between the persons involved in the relationship.

iii. Domestic Violence

Felony or misdemeanor crimes committed by a person who is a current or former spouse or intimate partner of the victim, is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, shares a child in common with the victim; or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Illinois.

iv. Stalking

Engaging in a course of conduct (two or more acts) directed to a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

D. Title IX Retaliation

Neither RFU nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has, in good faith, made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. RFU retains the discretion to process a complaint of Title IX retaliation under this policy or other RFU policies, including the Harassment and Discrimination Policy.

E. Additional Definitions

i. Consent

Consent means knowing, voluntary, and clear permission by word or action to engage in specific sexual activity. Consensual sexual activity happens when each participant willingly chooses to participate.

It is the responsibility of the person who wants to engage in a sexual activity to obtain the consent of the other person for that sexual activity. Consent may also be withdrawn or modified at any time by the use of clearly understandable words or actions.

The existence of consent is evaluated based on the totality of the circumstances, including whether a sober, reasonable person in the same or similar circumstances, knew or should have known if the other party could or could not consent to the sexual activity.

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 but not limited to incapacitation, which is defined below. Further, consent cannot be obtained by threat of harm, coercion, intimidation, or by use or threat of force. Silence, submission, and/or lack of resistance (including the absence of the word “no”) do not – in and of themselves – constitute consent.

ii. Incapacitation

Consent cannot be obtained from someone who is unable to understand the nature of the activity or give knowing consent due to circumstances. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity, i.e., when a person’s perception and/or judgment is so impaired that the person lacks the cognitive capacity to make or act on conscious decisions, including without limitation the following circumstances:

- The person is incapacitated due to the use or influence of alcohol or drugs, or due to a mental disability.
- The person is asleep or unconscious.
- The person is under the legal age of consent.

Sexual activity will be deemed non-consensual if a person engages in sexual activity with an individual who is incapacitated, and who the person knows or reasonability should know is incapacitated, or with an individual who is asleep, unconscious, or under the legal age of consent.

5. Reporting

A. Reporting Complaints of Sexual Harassment

A report provides notice to RFU of an allegation or concern about sexual harassment and provides an opportunity for RFU to provide information, resources, and supportive measures.

A formal complaint is a document submitted or signed by a complainant (or signed by the Title IX Coordinator) alleging a respondent engaged in sexual harassment as prohibited under this policy and requesting that RFU investigate the allegation(s). At the time of the filing of a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of RFU. A complainant or individual may initially make a report and later decide to make a formal complaint.

Reports or formal complaints of sexual harassment and/or retaliation may be made using any of the following options:

- 1) File a report [here](#) or directly with the Title IX Coordinator, Dean of Students, the Associate Vice President of Human Resources or to any trusted RFU employee that is not a Confidential Resource.
- 2) A report may be submitted at [Ethics Point](#). Anonymous notice is accepted, but the notice may give rise to a need to try to determine the parties’ identities. Anonymous

notice typically limits RFU's ability to investigate, respond, and provide remedies, depending on the issues.

When the report includes an allegation of sexual violence, domestic violence, dating violence, or stalking, the Title IX Coordinator will provide the survivor if known, with a written copy of their rights, including: the survivor's right to report or not report the alleged incident to RFU, law enforcement, or both; contact information of the Title IX Coordinator's, confidential advisors, community-based sexual assault crisis center, and local law enforcement; the right to request or received assistance from campus authorities in notifying law enforcement; the survivor's ability to receive supportive and protective measures; assistance in accessing and navigating campus and local health and mental health and counseling services; and a summary of the resolution process.

B. Time Limits on Reporting

There is no time limitation on providing notice, a report, or a formal complaint to RFU. However, if the respondent is no longer subject to RFU's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

C. False Allegations and Evidence

Deliberately false and/or malicious accusations of violations of this policy will be subject to discipline under the appropriate RFU policies. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a violation of this policy.

Additionally, witnesses and parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate RFU policies.

D. Confidentiality/Privacy

RFU makes every effort to preserve the parties' privacy. RFU will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or formal complaint of sexual harassment; any complainant; any individual who has been reported to be the perpetrator of sex discrimination; any respondent; and any witness. Such confidentiality will be maintained except as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law, or to carry out the purposes of the applicable Title IX regulations, including the conduct of any investigation, hearing, or resolution proceeding arising under thereunder.

Parties and advisors are prohibited from unauthorized disclosure of information obtained by RFU through the resolution process, to the extent that information is the work product of RFU (meaning it has been produced, compiled, or written by RFU for purposes of its investigation and resolution under this Policy). Parties and advisors are also prohibited from publicly disclosing RFU work product or personally identifiable information without authorization or consent. Unauthorized disclosure can be subject to discipline under appropriate RFU policies.

E. Amnesty

To encourage reporting and participation in the process, RFU maintains a practice of offering parties and witnesses amnesty from certain RFU policy violations, such as the use of illicit drugs, as they relate to the alleged misconduct. Granting amnesty is a discretionary decision made solely by RFU, depending on the circumstances and severity of the policy violations.

F. Preservation of Evidence

The preservation of evidence following an incident of sexual violence is important to support possible future actions, including criminal investigation or prosecution, seeking a protective or no-contact order, filing a formal complaint under this policy, or utilizing a complaint process under another RFU policy.

To the extent possible, individuals are encouraged to take the following steps after an incident of sexual violence:

- Seek forensic medical assistance at the nearest hospital as soon as possible, ideally within 120 hours of the incident. Forensic medical examinations are provided to survivors with no charge. Northwestern Medicine Lake Forest Hospital located at 1000 N. Westmoreland Rd, Lake Forest, IL 60045, (847-234-5600) is the closest hospital providing medical forensic examinations to sexual assault survivors.
- Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- Do not change clothing; if clothing has been changed, place clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement).
- Avoid cleaning or disturbing the location where the incident occurred.
- Preserve bedding, towels, or other items that may contain evidence.

Individuals are also encouraged to preserve any electronic or digital evidence related to the incident, including but not limited to: text messages, emails, social media posts or direct messages, photographs or videos, voicemails, and screenshots. To the extent possible, individuals should not alter or delete electronic evidence and should consider backing up or taking screenshots to preserve information.

G. Employee Reporting

RFU employees other than those deemed confidential employees, must promptly report all known details of actual or suspected sexual harassment to the Title IX Coordinator or member of the NDRT. Further, all RFU employees have reporting requirements under the RFU Code of Conduct, including to report or seek guidance regarding potential, known, or suspected violations of the Code of Conduct.

H. Confidential Resources

The following confidential resources do not have an obligation to report sexual harassment to the Title IX Coordinator and will not do so without the explicit consent of the complaining party. Depending on the circumstances, RFU confidential resources may be required to share deidentified information to the Title IX Coordinator and Director of Campus Safety for Clery Act reporting requirements.

Confidential Employees

- Student Counseling Services
Email: scs@rosalindfranklin.edu (use Virtru for added security)
Phone: 847-578-8723
- Student Health and Wellness Center
Email: studenthealth@rosalindfranklin.edu
Phone: 224-570-7201

External Confidential Advisor

- Zacharias Sexual Abuse Center, 4275 Old Grand Avenue, Gurnee, IL 60031
24-hr Support Line: 847-872-7799

External Confidential Resources

- Employee Assistance Program for Confidential 24/7 Support: 888-293-6948
- Zacharias Sexual Abuse Center, 4275 Old Grand Avenue, Gurnee, IL 60031
24-hr Support Line: 847-872-7799
- RAINN National Sexual Assault Hotline for Confidential 24/7 Support: 800-656-4673
- A Safe Place (Domestic Violence), 2710 17th Street, Ste 100, Zion, IL 60099
24-hr Support Line: 800-799-7233
- National Domestic Violence Hotline for Confidential 24/7 Support: 800-799-7233

Survivors of sexual violence, domestic violence, dating violence, or stalking will also have access to a confidential advisor through the Zacharias Sexual Abuse Resource Center at the number provided above. A survivor's confidential advisor will provide emergency and ongoing support pursuant to Illinois' Preventing Sexual Violence in Higher Education Act.

6. Supportive Measures

RFU will offer and implement appropriate and reasonable supportive measures to the parties upon notice, a report, or formal complaint of alleged sex harassment, and/or retaliation under this Policy. Supportive measures are non-disciplinary, non-punitive individualized measures offered as appropriate and reasonably available to restore or preserve access to RFU's education program or activity, including measures designed to protect the safety of all parties or RFU's

educational environment, to provide support during the resolution process, and to deter sexual harassment. Supportive measures are offered free of charge to the parties.

The Title IX Coordinator, in consultation with the NDRT when necessary, will promptly coordinate and make supportive measures available to the parties upon receiving notice or a report. The Title IX Coordinator and, if necessary, the NDRT will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

RFU will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair RFU's ability to provide those supportive measures. RFU will act to ensure as minimal an academic/occupational impact on the parties as possible. RFU will implement measures in a way that does not unreasonably burden any party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Extensions/Rescheduling/Make-up of exams, homework, clinical participation and other course or clinical related adjustments
- Campus escort services
- Increased security and monitoring of certain areas of campus
- No Contact Directives
- Leaves of absence
- Changes in class or work schedules, housing, or extracurricular or any other activity
- Training and education programs
- Any other actions deemed appropriate by the NDRT, and in some cases consultation with a representative from the party's respective unit within RFU when appropriate.

7. Emergency Removal/Interim Actions/Leaves

A. Emergency Removal of a Student

Under certain circumstances, RFU may conduct an emergency removal of a student. Upon receipt of notice, report, or formal complaint, or at any time during the resolution process, RFU may remove a student accused of a violation of this Policy when an individualized risk assessment determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sexual harassment justifies such action. The Dean of Students or designee, along with the NDRT, will coordinate and/or perform the risk assessment and, if appropriate, will implement RFU's Behavioral Intervention Team, using its standard objective violence risk assessment procedures.

When an emergency removal is imposed, wholly or partially (i.e. remote education), the procedures outlined in the Involuntary Leave of Absence Policy will be followed.

B. Placing an Employee on Leave

When the respondent is an employee, an employee may be placed on administrative leave from employment responsibilities upon RFU's receipt of notice, report, or formal complaint of a

violation of this Policy, or at any time during the resolution process. A decision to place an employee on administrative leave will be made by the Associate Vice President of Human Resources in consultation with the NDRT and other University leaders as appropriate.

12. Sanctions

When a final determination is made that an individual has violated this policy, the appropriate sanctions will be determined based on the nature and extent of the conduct, any aggravating or mitigating circumstances, and the cumulative conduct record of the respondent.

A. Student Sanctions

The following are the common sanctions, which may be imposed upon students individually or in combination. In addition, RFU may assign any other sanctions as deemed appropriate.

- Written Warning
- Mandated Training, Assessment, or Evaluation
- Counseling
- Loss of RFU Privileges
- Restitution and Fines
- Probation
- Suspension
- Expulsion
- Withholding Degree
- Degree Revocation

B. Employee Sanctions

The following are the common sanctions, which may be imposed upon employees individually or as a combination of sanctions. In addition, or in place of, the below sanctions, RFU may assign any other sanctions as deemed appropriate.

- Progressive Disciplinary Action: Verbal, written, or final written warning, which includes a Performance Improvement Plan.
- Enhanced Supervision, Observation, or Review
- Required Counseling, Training or Education
- Demotion, including loss of oversight or supervisory responsibility
- Transfer, shift or schedule adjustments, reassignment of work space or location
- Suspension
- Termination

RESOLUTION PROCESS

1. Overview

RFU will act on any notice, report, or knowledge of a potential violation of this policy by applying the resolution process below.

A. Assignment of Trained, Conflict-Free Employees

RFU maintains a pool of internal employees trained as investigators, decision-makers, advisors, and appeals decision makers.³ This pool is managed by the Title IX Coordinator, in conjunction and consultation with the Dean of Students and the Associate Vice President of Human Resources.

The Title IX Coordinator will designate and assign trained employees to serve in various roles to administer this policy and the resolution process. No person may function in the roles of both investigator and decision-maker for one particular case. The Title IX Coordinator may not serve as a decision-maker.

Any individual materially involved in the implementation of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent.

At any time during the resolution process, the parties may raise a concern regarding bias, conflict of interest, or violation of this Policy's procedures and the NDRT, if necessary, in consultation with RFU's Office of General Counsel, will determine whether the concern is reasonable and supportable. If so, another pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied.

B. Advisors

Each party may have an advisor of their choice present for all meetings, interviews, and hearings in the resolution process. An advisor may be any individual selected by the party, including a friend, family member, mentor, or attorney, provided the advisor is available and does not cause undue delay. With the party's written consent, an advisor may access the same information provided to the party. The advisor must comply with RFU policies, procedures and standards of professionalism. RFU may assign a trained advisor upon request but is not required to ensure that the parties have the same type of advisor or to provide an attorney.

Advisors may support and consult privately with their advisees but may not speak on their behalf or otherwise participate directly in meetings or interviews, except as permitted during the hearing.

³ External, trained third-party neutral professionals may also be used to serve in Pool roles, if necessary.

C. Notices

All notifications made in this resolution process 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(es) indicated in official RFU records, or emailed to an RFU issued email or designated account. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

2. Initial Assessment and Options

For all allegations of violations of this policy, the NDRT will conduct an Initial Assessment typically within five (5) business days of receiving a report of alleged misconduct. The Initial Assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a Title IX Policy violation. The matter may be referred to another process, if applicable.
- Explaining the resolution process, including how to file a formal complaint, to the complainant, or the person who reported the allegations, and determining whether the complainant wishes to make a formal complaint.
- Offering and coordinating supportive measures with or without the filing of a formal complaint.

After an initial assessment, a report of sexual harassment that falls under the purview of this policy, can be resolved in one of three ways:

- Supportive measures and support from the Title IX Coordinator and/or NDRT;
- A formal complaint filed by complainant; or
- A formal complaint filed by the Title IX Coordinator. This will occur when an individual reporting sexual harassment requests anonymity or does not wish to file a formal complaint and the Title IX Coordinator determines that RFU needs to proceed with formal complaint. The Title IX Coordinator will make this determination based on the totality of known circumstances, the presence of any risk factors, the potential impact on the parties, the existence of independent evidence regarding the alleged conduct, and any other relevant information.

Upon the filing of a formal complaint, there are three possible actions:

1. Dismissal of the formal complaint; or
2. Informal resolution; or
3. Investigation and hearing.

RFU will make a good faith effort to complete the resolution process within 120 days, which may be extended as necessary by the Title IX Coordinator. The parties will receive regular updates on the progress of the process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Time to complete an investigation may vary, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors. RFU may undertake a short delay in its investigation if circumstances require. Such circumstances include but are not limited to concurrent law enforcement activity,⁴ the need for language assistance, the absence of parties and/or witnesses, and/or health conditions. RFU will promptly resume its process as soon as feasible. During such a delay, RFU will implement and maintain supportive measures for the parties as deemed appropriate.

3. Dismissal of the Formal Complaint

In certain cases, formal complaints will be dismissed by RFU. Dismissals are either mandatory or discretionary in nature.

RFU **must** dismiss a formal complaint or any allegations therein if, at any time during the resolution process, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment defined above, even if proved;
- 2) The conduct did not occur in RFU's education program or activity, including when RFU does not have control of the respondent; or
- 3) The conduct did not occur against a person in the United States.

RFU **may** dismiss a formal complaint or any allegations therein or continue to pursue the resolution process if, at any time during the investigation or hearing:

- 1) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- 2) The respondent is no longer enrolled in or employed by RFU; or
- 3) Specific circumstances prevent RFU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Such dismissals do not preclude action under other applicable RFU policies.

A complainant who decides to withdraw a formal complaint may later request to reinstate it or refile it. Upon any dismissal, RFU will promptly and simultaneously send the parties written notice of the dismissal and the rationale for doing so. This dismissal decision is appealable by any party, pursuant to the appeal procedures outlined in Section 6.

⁴ RFU action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. However, RFU is committed to cooperating with law enforcement.

4. Informal Resolution

To initiate an informal resolution, a complainant or respondent may make such a request to the Title IX Coordinator or designated pool member at any time after filing a formal complaint and prior to a final determination in the resolution process, or the Title IX Coordinator or designated pool member may offer the option to the parties, in writing. RFU will obtain voluntary, written confirmation that all parties wish to resolve the matter through informal resolution before proceeding.

Informal resolution is not available where the complainant is a student and the respondent is an employee.

The pool member acting as the facilitator of an informal resolution must be trained and cannot be the assigned investigator, decision-makers, or appeal decision-makers.

Any party participating in informal resolution or the Title IX Coordinator can terminate the process prior to an agreement being signed and initiate or resume the investigation and hearing process.

In the event that the parties have agreed to informal resolution, the parties will be provided written notice disclosing:

- The allegations;
- The requirements of the informal resolution process;
- The right to consult an advisor;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume an investigation and hearing;
- That the parties' agreement to a resolution at the conclusion of the informal resolution process will preclude the parties from initiating or resuming an investigation and hearing arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notification that an informal resolution agreement is binding only on the parties; and
- What information RFU will maintain, and whether and how it could disclose such information for use in its investigation and hearing.

Informal resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction between the parties; and other forms of resolution that can be tailored to the needs of the parties. Informal resolution agreements must be agreed upon by all parties, in writing, accepted by the Title IX Coordinator, and may include terms of confidentiality, release, and non-disparagement. Informal resolution agreements are final and cannot be appealed.

The Title IX Coordinator maintains records of agreed upon resolutions and will provide copies thereof to the parties. Failure to abide by an informal resolution agreement may result in dissolution of the agreement and initiation or resumption of investigation and hearing process or referral to the applicable RFU conduct process for failure to comply.

5. Investigation and Hearing

A. Notice of Investigation and Allegations

Upon the receipt of a formal complaint and beginning of the Investigation and Hearing process, the Title IX Coordinator or designated pool member will provide the parties with a written notice of investigation and allegations (NOIA).

The NOIA includes:

- A description of, link to, or copy of this policy
- A meaningful summary of all allegations, including:
 - The identity of the involved parties (if known)
 - The conduct allegedly constituting sexual harassment under this policy
 - The date and location of the alleged incident(s) (if known)
- A statement that RFU presumes the respondent is not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the resolution process
- A statement that parties will be given an opportunity to inspect and review all relevant evidence
- A statement that the parties may have an advisor of their choice
- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the resolution process is prohibited

If, in the course of an investigation, RFU decides to investigate allegations that are not included in the NOIA, RFU will provide notice of the additional allegations to the known parties.

RFU may consolidate complaints against more than one respondent, or by more than one complainant against one or more respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions. Additionally, RFU may consolidate the investigation of a formal complaint and allegations of conduct covered by other RFU policies, if arising out of the same or similar circumstances, and/or the allegations are substantially related.

B. Standard of Proof

RFU uses the preponderance of the evidence standard of proof when determining whether a violation of this policy occurred. This means that RFU will decide whether it is more likely than not, based upon the available information at the time of the decision, that the respondent is in violation of this policy. RFU will presume that the respondent is not responsible for the alleged policy violation until a determination has been made at the conclusion of the resolution process.

C. Evidentiary Considerations for Investigation and Decision-Making

The investigator(s) and the decision-makers will only consider evidence that is deemed relevant and not otherwise impermissible. Relevant evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

The following types of evidence must not be accessed or considered (except by RFU to determine whether an exception applies), disclosed, or otherwise used in the investigation or hearing:

- Complainant's sexual interests or prior sexual conduct, unless (1) evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct; or (2) evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent.
- Evidence that is protected under a privilege as recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional in connection with the provision of treatment to the party or witness, unless the party or witness provides voluntary, written consent for use in the resolution process.
- A respondent's prior disciplinary history, except it can be considered during a determination of sanctions upon a finding of responsibility.

D. Investigation

Once an investigation is initiated, the Title IX Coordinator will appoint one or more investigators.

Investigators will identify, elicit, and gather evidence related to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination rests with RFU and not with the parties. However, it is important for all individuals involved in an investigation to identify relevant evidence it would like RFU to consider.

Investigators adhere to the following guidelines for all types of investigations:

- Identify all policies and specific violations implicated by the alleged misconduct.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as other potential meeting participants and the purpose of the meeting.

- Interview all available, relevant witnesses, including the complainant and respondent, and conduct follow-up interviews as necessary.⁵
- Query the parties on witnesses to be interviewed, along with any suggested specific questions for the witnesses, and any other inculpatory or exculpatory evidence.
- Draft an investigative report that fairly gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
- Prior to completion of the investigative report, send the parties and the parties' advisors, if any, the evidence subject to inspection and review in an electronic or hard copy, including inculpatory evidence, exculpatory evidence, and the evidence RFU will not rely upon in reaching a determination, and allow the parties 10 days to submit a written response, which the investigator will consider prior to completing the report.
- The investigators will then share the final investigative report and investigation file with the Title IX Coordinator, and if necessary, the RFU's Office of General Counsel, for review and feedback.
- The Title IX Coordinator will provide the final investigative report to the parties and their advisors at least 10 days prior to the hearing. The parties will be permitted to review and provide a written response prior to the hearing.

Employees, other than the complainant or respondent, are required to cooperate with and participate in RFU's investigation and hearing process.

Students who are parties and witnesses to the complaint may provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the investigators, though not preferred.

E. Hearing

Upon completion of the investigation, the Title IX Coordinator will promptly appoint a trained decision-maker or decision-makers, who cannot be the same person as the Title IX Coordinator or investigators, to oversee a hearing. Prior to the hearing, the decision-maker(s) will be provided a copy of the investigative report, a copy of all of the evidence transmitted to the parties by the investigator(s), and any response to the investigative report submitted by the parties. The hearing allows a decision-maker to resolve any outstanding issues of contested facts, assess the credibility of the parties and witnesses, and ultimately determine whether it is more likely or not that respondent violated this policy.

⁵ If a party or witness chooses not to participate in the resolution process or becomes unresponsive, RFU reserves the right to continue it without their participation to ensure a prompt resolution.

i. Notice of Hearing

The hearing will be scheduled in a manner that provides both parties an equal opportunity to participate. The Title IX Coordinator will send the parties a notice of hearing within a reasonable time frame prior to the hearing. The notice includes the following:

- The date, time, and location of the hearing.
- Identification of the decision-maker(s).

ii. Optional Prehearing Meeting

At the discretion of the Title IX Coordinator, the Title IX Coordinator and/or the decision-maker(s) may conduct a pre-hearing meeting with the parties and their advisors if such a meeting is deemed helpful to facilitate a fair and efficient hearing. The pre-hearing meeting will solely cover procedural matters and may include: reviewing hearing procedures and format, identifying witnesses expected to participate, addressing issues related to advisors, cross-examination, and objections, and reviewing any other questions.

iii. Hearing Format and Process

The hearing may be conducted in-person or virtually and at request of either party, will provide for the parties to be located in separate rooms during the hearing, with technology for allowing real-time participation. An audio or audiovisual recording or transcript will be made of the hearing, and the recording or transcript will be made available to the parties for inspection and review upon request. No unauthorized disclosure of the recording or transcript is permitted.

Except as permitted by the decision-maker(s), the hearing will be closed to all persons, except the parties, their advisors, the investigator(s), the decision-maker(s), the Title IX Coordinator or designee, the NDRT, or other necessary RFU personnel.

The decision-maker(s) will facilitate the hearing process and has discretion to determine the format of the hearing. During the hearing, the following will occur:

- The decision-maker(s) will ask questions of each party and witness.
- The parties' advisors may cross-examine the party or witness, asking relevant questions and follow-up questions, including challenging credibility.
- At their discretion, the decision-maker(s) may ask additional follow-up questions after cross-examination concludes.
- Both parties will have an equal amount of time to make a closing statement.
- The parties and their advisors will have access to the investigative report and evidence during the hearing.

If a party does not have an advisor present at the hearing, the Title IX Coordinator will provide an advisor to ask questions prepared by the party on the party's behalf. Cross-examination will be conducted solely by the parties' advisors and never directly by the parties. Only relevant cross-examination will be permitted, pursuant to the decision-maker(s) determination.

iv. Deliberation and Determination Regarding Responsibility

After the hearing, in a closed session, the decision-maker(s) will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony received at the hearing, and any credibility determinations. The decision-maker(s) will then apply the preponderance of the evidence standard to reach a determination of responsibility.

Upon a finding of responsibility, the decision-maker(s) will also determine the appropriate disciplinary sanctions for the respondent and any other responsive remedies or actions for the complainant designed to restore or preserve equal access to RFU's education program or activity.

v. Written Determination

Within seven (7) days of a decision, the decision-maker(s) will issue a written determination regarding responsibility to the parties simultaneously. The determination regarding responsibility and sanctions becomes final either on the date that the parties receive the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The written determination will include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from receipt of the formal complaint through determination, including any notifications to the parties, interviews, methods used to gather evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this policy (or other relevant policies) to the facts;
- A statement of, or rational for, the result as to each allegation, including a determination of responsibility for each separate potential incident;
- Any disciplinary sanctions imposed on the respondent, if permitted to share such sanctions according to state or federal law;
- Whether remedies designed to restore or preserve equal access to RFU's education program or activity will be provided to the complainant; and
- The procedures and permissible bases for the complainant or respondent to appeal.

6. Appeals

Any party may submit a written request for appeal to the Title IX Coordinator within five (5) business days of the delivery of the written determination or written notice of dismissal. The written request for appeal must specifically state the ground(s) for the appeal and include sufficient information to enable the appeal decision-maker to review and decide the matter. The Title IX Coordinator must notify the other party when an appeal is filed and allow the other party an opportunity to submit a written statement in response.

The appeal decision-maker will be the Provost of RFU. The appeal decision-maker must be trained and must not have been previously involved in the resolution process for the formal complaint.

A. Appeal Grounds

Appeals are limited to the following grounds:

- 1) A procedural irregularity or error occurred that affected the outcome.
- 2) New evidence that could affect the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made.
- 3) A member of the Title IX Coordinator, NDRT, investigators, or decision-makers had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome
- 4) The level of sanction is disproportionate to the violation, considering the cumulative conduct, surrounding circumstances, and disciplinary record of the respondent.

B. Appeal Determination Process

The appeal decision-maker has the authority to grant or deny the appeal; specifically, the appeal decision-maker may act as follows:

- The appeal decision-maker may deny the appeal because the request for appeal could not reasonably be construed to meet the grounds for appeal or was not timely filed.
- If the appeal decision-maker determines that a procedural irregularity or error occurred affected the outcome, the appeal decision-maker will remand the matter back to the Title IX Coordinator, investigators and/or decision-makers to implement and apply a process that is free from that procedural irregularity or error.
- If the appeal decision-maker determines that there is new evidence that was not available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome, then the appeal decision-maker will remand the matter back to the Title IX Coordinator, investigators and/or decision-makers to consider that new evidence at the proper stage in the resolution process.
- If the appeal decision-maker determines that a member of the Title IX Coordinator, NDRT, investigators or decision-makers had a conflict of interest or bias for or against complainants or respondents generally or any specific party in this matter that affected the outcome, the appeal decision-maker may order a new resolution process with new participants, including investigators and/or decision-makers.

- If the appeal decision-maker determines that the level of sanction is disproportionate to the misconduct and its surrounding circumstances, then the appeal decision-makers may adjust the level of sanction as deemed appropriate and just.

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The appeal decision-maker will deliberate as soon as is practicable and may consult with the Title IX Coordinator (if there is no conflict of interest present), members of the NDRT, and/or RFU's General Counsel's Office on questions of procedure or rationale, for clarification, if needed.

C. Appeal Outcome

An appeal outcome letter will be sent within seven (7) days after the conclusion of the appeal review. The appeal outcome letter will be sent to all parties simultaneously, or without significant time delay between notifications. The appeal outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result, and the rationale supporting the essential findings.

The outcome of an appeal is final.

7. Recordkeeping

For a period of at least seven (7) years following the conclusion of the resolution process, RFU will maintain records of:

- 1) Each sexual harassment resolution process, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to RFU's education program or activity;
- 2) Any appeal and the result therefrom.
- 3) Any informal resolution and the result therefrom.
- 4) All materials used to provide training to the Title IX Coordinator, investigators, decision-makers, appeal decision-makers, informal resolution facilitator, and any person who is responsible for implementing RFU's resolution process.
- 5) Any actions, including any supportive measures or lack thereof, taken in response to a report or formal complaint, including basis for conclusion that the response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to RFU's education program or activity.

RFU will also maintain any and all records in accordance with state and federal laws.

8. Accessibility

RFU is committed to ensuring equal access to RFU 's resolution process. Accessibility includes, but is not limited to, providing reasonable accommodations to persons with disabilities, including mental health concerns, providing translation or language services, and other support as deemed necessary. To request an accommodation related to this policy, please contact the Title IX Coordinator.

9. Point of Contacts

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10. References and Related Policies

- Harassment and Discrimination Policy
- Behavior Intervention Team Policy
- [Emergency Operations Plan](#)
- [Student Handbook](#)
- [Employee Handbook](#)
- [Code of Conduct](#)