

**CHICAGO STATE UNIVERSITY  
SEXUAL HARASSMENT & SEXUAL MISCONDUCT  
COMPLAINT RESOLUTION PROCEDURE**

**I. Review & Hearing Panels**

All individuals whose duties include the resolution of complaints of students' violations of the Chicago State University Sexual Harassment & Sexual Misconduct Policy must receive a minimum of eight (8) to ten (10) hours of annual training on issues related to sexual violence, domestic violence, dating violence, and stalking and how to conduct CSU's complaint resolution procedure, in addition to the annual training required for employees as provided in subsection (c) of Section 30 of the Illinois Preventing Sexual Violence in Higher Education Act.

Chicago State University shall have a sufficient number of individuals trained to resolve complaints so that (i) a substitution can occur in the case of a conflict of interest or recusal and (ii) an individual or individuals with no prior involvement in the initial determination or finding for any appeal brought by a party. CSU will have rotating panels of five (5) individuals who will be drawn from CSU staff, faculty, and graduate students who have been vetted and trained.

**II. Standard**

The individuals resolving a complaint shall use a **preponderance of the evidence standard** to determine whether an alleged violation of CSU's Sexual Harassment & Sexual Misconduct Policy occurred.

**III. Parties' Rights**

**a. Impartial and Objective Investigation**

Both Parties are entitled to an impartial, neutral, and objective investigation, based on the principles of due process. If either party raises a concern as to the neutrality of the investigator or a conflict of interest issue arises, the investigator shall be replaced by another investigator.

**b. Notice of Panel Members.** The Complainant and Respondent shall (i) receive notice of who the review panel members assigned to the complaint review will be ten (10) days prior to the scheduled panel review date and (ii) must submit any request for substitution of any member(s) of the panel, at the latest seven (7) days prior to the panel review date, if the party believes that any member(s)' participation on the panel poses a conflict of interest.

**c. Interim Measures.** If not already in place, the CSU's Title IX Coordinator will ask both parties whether they are in need of any interim measures and accommodations available pending the review and resolution of the complaint.

**d. Privacy.** Any proceeding, meeting, or hearing held to resolve complaints of alleged misconduct violations of CSU's Sexual Harassment & Sexual Misconduct Policy shall protect the privacy of the participating parties and witnesses, to the highest extent possible.

**e. Confidentiality.** Chicago State University will not disclose the identity of the Complainant or the Respondent, except as necessary to resolve the complaint or to implement interim protective measures and accommodations, or when mandated by state or federal law.

**f. Advisors.** Both parties may request and must be allowed to have an advisor of their choice accompany them to any meeting or proceeding related to an alleged violation of Chicago State University's policies, provided that the involvement of the advisor does not result in undue delay of the meeting or proceeding. The advisor must comply with any rules in Sexual Harassment & Sexual Misconduct complaint resolution procedure regarding the advisor's role. If the advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual reviewing or resolving the complaint, that advisor may be prohibited from further participation.

**g. Notification of Outcome.** The Complainant and the Respondent are entitled to simultaneous, written notification of the results of the complaint resolution procedure, including information regarding appeal rights, within seven (7) days of a decision or sooner, if required by state or federal law.

**h. Right to Appeal.** The Complainant and the Respondent shall have the right to timely appeal the complaint resolution procedure's findings or imposed sanctions if the party alleges (i) a procedural error occurred, (ii) new information exists that would substantially change the outcome of the finding, or (iii) the sanction is disproportionate to the violation. The individual or individuals reviewing the initial findings or imposed sanctions shall not have participated previously in the complaint resolution procedure and shall not have a conflict of interest with either party. The Complainant and the Respondent shall receive the appeal decision in writing within seven (7) days after the conclusion of the review of findings or sanctions or sooner, if required by federal or state law.

**i. Presenting Evidence and Witnesses.** During the investigation phase of the complaint resolution procedure, the Complainant, regardless of his or her level of involvement in the procedure, and the Respondent shall have the opportunity to provide or present evidence and witnesses on their behalf.

#### **IV. ELECTION TO CLAIM RESPONSIBILITY AND WAIVE REVIEW ON FINDINGS**

If the Title IX investigator makes a recommended finding of "responsible" at the conclusion of the investigation, the Respondent may claim responsibility for the violation(s) and can elect to waive review of said finding. At that point, the Title IX Coordinator must inform the Respondent about the possible sanctions under CSU policy. The Respondent shall sign a "Review Waiver." If the Respondent proceeds with said election, it will narrow the reviewing panel's function to only determine possible sanctions.

The Respondent maintains his or her right to appeal any sanction the review panel imposes on grounds of disproportionality and must submit his or her notice of appeal as outlined under Section (III)(g) of this procedure.

#### **V. SANCTIONS**

a. **Students.** Students found responsible of violating CSU's Sexual Harassment and Sexual Misconduct Policy may face any of the following sanctions

- (i) Disciplinary warning/Letter of reprimand;
- (ii) Work Assignment/Community Service;
- (iii) Fines: A sum imposed as punishment for an offense. The amount of the fine may not be less than \$5.00 or more than \$100.00;
- (iv) Restitution;
- (v) Probation;
- (vi) Suspension;
- (vii) Suspension from Residence Hall; or
- (viii) Expulsion.

b. **Employees.** State employees who engage in sexual harassment, who make false reports of sexual harassment, or who obstruct, interfere with, or fail to cooperate with investigations into alleged sexual harassment are subject to significant penalties, including fines, discipline up to and including discharge, and even misdemeanors. Sanctions include being fined up to \$5,000 per offense; subject to discipline or discharge; and fines or penalties imposed by a State or federal agency or court (such as if a charge was filed with IDHR and the court or Human Rights Commission determined that unlawful harassment occurred).

## VI. REVIEW PROCESS

a. **Parties' Notification of Review Panel Members.** The Title IX Coordinator will coordinate the review panel date between the parties involved. It is the duty of the Title IX Coordinator to perform a conflicts check of the review panel to be seated for any given complaint review. Ten (10) days prior to set date, the Title IX Coordinator shall communicate to the parties who the review panel members are. The parties must submit any request of substitution of any member(s) of the panel, at the latest seven (7) days prior to the review date, if the party believes that that member(s) participation on the panel poses a conflict of interest.

b. **Review Purpose and Scope.** The purpose of the review panel is to either affirm or deny the recommended finding reached by the Title IX Investigator (and, in the case of an affirmation of the findings recommendation, to determine possible sanctions.) The review panel is tasked with the review of the investigation report and any other piece of evidence or information available or submitted by the parties.

### c. **Review Process.**

- (i) **Need for Clarification.** If the review panel requires clarification in regards to the content of the Title IX investigation report, the panel may request that the investigator attend the review panel and answer any questions for clarification purposes to assist them in reaching a final findings determination.

- (ii) **Need for Additional Information.** The review panel can request that the original investigator provide additional information specific to evidence already on the record. This may necessitate additional investigation to occur.
- (iii) **Need for Further Investigation.** In the case where the review panel believes that the investigation failed to cover a certain aspect of the complaint, the panel may request of the original investigator to conduct further investigation in that regard.

To affirm a recommended finding or to make any requests of the original investigator, the review panel must vote to do so by a majority. Any requests of the original investigator shall be submitted in writing and may be submitted prior to the review date.

**d. Disposition Notification.** Both the Complainant and the Respondent will receive simultaneous notification of the panel's disposition via the method of communication identified as preferred by each party.

**e. Post-Disposition Concerns.** Complainants and Respondents should feel free to raise any concerns to the Title IX Coordinator after the disposition (i.e. safety, retaliation, etc.) for possible interim measures.

**f. Appeal.** After a final decision has been rendered, both parties have the right to appeal the decision. If the Respondent is a student, the appeal will be heard by the Dean of Students Affairs via hearing panel. If the Respondent is a faculty or employee, the respective grievance processes will be used.