

CHICAGO STATE UNIVERSITY
SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY

I. INTRODUCTION

Chicago State University is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sexual harassment or sexual misconduct of any form. In accordance with Title IX of the Education Amendments of 1972, Violence Against Women Reauthorization Act, State of Illinois Human Rights Act and Title VII of the Civil Rights Act of 1964, the University has adopted the following standards of conduct for all members of our community – students, employees and visitors – with respect to sexual harassment, sexual assault, stalking, dating violence or domestic violence, and sexual exploitation. These standards apply to all regardless of age, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved. This policy applies to incidents that occur on campus or off-campus. If the prohibited conduct occurs off campus, it is covered by this policy if the conduct has the effect of causing discrimination in the University’s educational programs and activities.

II. PROHIBITED CONDUCT

Chicago State University does not tolerate sexual misconduct of any form, including but not limited to, sexual assault, stalking, dating violence, domestic violence, sexual exploitation and sexual harassment. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff, and other community members. Therefore, the University prohibits the following actions taken without consent. An attempt to commit an act of sexual misconduct or assisting or willfully encouraging any such act is also a violation of this policy.

A. SEXUAL HARASSMENT

Sexual harassment is any unwelcome conduct of a sexual nature which includes, but is not limited to, unwelcome sexual advances; the use or threatened use of sexual favors as a basis for academic or employment decisions; conduct that creates a hostile, intimidating or offensive academic or working environment; conduct that has the effect of unreasonably interfering with an individual’s work performance; and other verbal, nonverbal, or physical conduct of a gender-based or sexual nature that is sufficiently severe, persistent, or pervasive to limit a person's ability to participate in or benefit from

an educational program or activity. Some examples of sexual harassment may include: (1) pressure for a dating, romantic, or intimate relationship; (2) unwelcome touching, kissing, hugging, or massaging; (3) pressure for or forced sexual activity; (4) offer for academic or employment advantages in exchange for sexual favors; (5) unnecessary references to parts of the body; (6) remarks about a person's gender, sexual orientation or perceived nonconformance with gender stereotypes; (7) sexual innuendoes or humor; (8) obscene gestures; (9) sexual graffiti, pictures, or posters; (10) sexually explicit profanity; (11) e-mail, social media, texting (“sexting”) and internet use that violates this policy; or (12) sexual assault or violence.

B. SEXUAL ASSAULT

1. Sexual Assault

Sexual Assault is actual or attempted sexual contact with another person without that individual’s consent. Acts of Sexual Assault include:

- (1) Intentional sexual contact or touching of another person’s intimate body parts without consent;
- (2) Coercing, forcing or attempting to coerce or force another individual to touch your intimate parts without consent;
- (3) Sexual penetration of a person’s vagina, anus, or mouth by a body part of another person, mouth of another person or an object without consent or by use of force, also referred to as rape. Acts of sexual assault include (1) vaginal or anal intercourse, (2) digital penetration, i.e. penetration with use of fingers or hand, (3) oral copulation or (4) genital or anal penetration with a foreign object without consent.

2. Consent

For purposes of this policy, consent means the freely given agreement to the act of sexual conduct or sexual penetration in question. If the initiator of the sexual conduct does not have a reasonable belief that the victim has consented, he/she must refrain. As such, the University holds the initiator of sexual activity responsible for knowing whether or not the other party is able or unable, for any reason, to give consent to the sexual act and for obtaining consent. There can be no consent provided by an individual who is (1) mentally incapacitated, (2) sleeping or unconscious, (3) a minor child, or (4) impaired or incapacitated by drugs or alcohol. Consent is not valid if obtained by force or threat of force.

Impairment/Incapacitation: A person is incapacitated by drugs or alcohol, if the individual has passed out or blacked out. A person is impaired by drugs or alcohol, if the individual is unable to understand the fact, nature, or extent of the sexual situation. Impairment may be demonstrated by excessive alcohol or drug use, vomiting and/or the inability to walk straight, speak clearly, or speak coherently. Any impairment or incapacitation of the initiator does not excuse him or her from full responsibility under this policy.

Consent may be revoked at any time, even after the sexual act has commenced. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused does not constitute consent. The manner of dress of the victim at the time of the offense does not constitute consent. Consent to sexual activity can be withdrawn at any time. Past consent, relationship, or sexual activity does not imply present or future consent. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

3. STALKING

Stalking is any course of conduct, or two or more acts, directed at a specific person that causes a reasonable person to fear for his or her safety or suffer emotional distress. Conduct that can amount to stalking may include any actions directed at another person – whether direct, indirect, thorough others, via devices, electronic means or any other methods or means – including but not limited to: (1) following a person; (2) being or remaining in close proximity to a person in a manner that threatens or places the person in fear of being harmed or restrained; (3) entering or remaining on or near a person’s property, residence, or place of employment; (4) monitoring, observing, or conducting surveillance of a person; (5) threatening (directly or indirectly) a person; (6) interfering with or damaging a person’s property; or (7) engaging in other unwelcome contact.

4. DATING VIOLENCE OR DOMESTIC VIOLENCE

Dating violence or domestic violence is the intimidation, harassment, physical abuse, sexual abuse, or interference with personal liberty of any person who is a current or former spouse, intimate partner, domestic partner, dating partner, or member of one’s family or household. Individuals encompassed in this definition include but are not limited to: persons who have or have had a dating or engagement relationship; persons who have or have had social relationship of a romantic or intimate nature;

current or former spouses, domestic partners, parents, children, stepchildren and other persons related by blood or by current or prior marriage; persons who share or formerly shared a common dwelling; persons who have or allegedly have a child in common; persons who share or allegedly share relationship through a child; and personal assistants and personal caregivers for the elderly or disabled.

5. SEXUAL EXPLOITATION

Sexual exploitation is an act of taking sexual advantage of another person for the benefit of another without that individual's consent. Sexual exploitation may include, but is not limited to: (1) prostituting another person; (2) recording images or audio of another person's sexual activity, intimate body parts or nakedness without consent; (3) distributing images or audio recording of another person's sexual activity, intimate body parts or nakedness without direct consent of the individual(s) depicted in the images or recording; (4) viewing another person's sexual activity, intimate body parts or nakedness without consent, where the individual would have a reasonable expectation of privacy, for the purpose of arousing or gratifying sexual desire; (5) forcing one to touch the intimate body parts of themselves or another person, for the purpose of arousing or gratifying sexual desire.

6. RETALIATION

Retaliation against a person making a complaint under this policy or participating in the investigation or grievance process of a complaint under this policy is strictly prohibited. Retaliation includes threats, intimidation, coercion, harassment or other forms of discrimination or adverse action.

III. TITLE IX COORDINATOR

The University's Title IX Coordinator is responsible for coordinating the University's compliance efforts under Title IX, including support services for students affected by sexual misconduct, investigation of sexual misconduct complaints and sexual misconduct prevention efforts.

Students and visitors may contact the Title IX Coordinator to report an incident of sexual misconduct, obtain information regarding student rights and support services for individuals affected by sexual misconduct, or for more information about the University's efforts to stop sexual misconduct.

The University's Title IX Coordinator is Janelle Carter. Ms. Carter is located in the Office of Labor & Legal Affairs, Cook Administration Building, Room 318, and can be reached at 773-995-2462 or jcarte30@csu.edu.

IV. REPORTING PROCEDURE

A. CRIMINAL COMPLAINT

If an act of sexual violence occurs, the survivor/victim should give first priority to personal safety by seeking immediate assistance at the nearest hospital or police station. If on campus, call ext. 2111 or go to the University Police Department, O&M, Room 210, where staff is available 24 hours a day. University Police are available to notify the appropriate law enforcement, if the victim so chooses. Victims have the right to decline to report sexual misconduct to the police.

Individuals who are victims of sexual violence are strongly encouraged to seek immediate medical attention in order to treat injuries, test for and treat sexually transmitted infections, test for pregnancy, and access emergency contraception (if requested). In addition, a hospital can perform a rape evidence collection procedure test and test for "date rape" drugs. If possible, an individual who has been sexually assaulted should not shower, bathe, douche or change clothes or bedding before going to the hospital or seeking medical attention. If the individual decides to change clothes, he or she should not wash the clothes worn during the assault and should bring them to the hospital or medical center. These steps are important to help preserve evidence for possible use in legal actions and requests for a civil no-contact order or an order of protection. Because evidence dissipates quickly, individuals who wish to preserve evidence are encouraged to seek medical attention within 48 hours of the incident. Medical services are available from the following resources on or near campus:

Wellness/Health Center

Chicago State University
ADM 131
773-995-2010

Roseland Community Hospital

45 West 111th Street
Chicago, IL 60628

Trinity Hospital
2320 E. 93rd Street
Chicago, IL 60617

B. INTERNAL UNIVERSITY COMPLAINT

If personal safety is not an immediate concern, any incident of sexual misconduct, occurring on or off campus, should be reported to the Title IX Coordinator as soon as possible.

The University's Title IX Coordinator is Janelle Carter. Ms. Carter is located in the Office of Labor & Legal Affairs, Cook Administration Building, Room 318, and can be reached at 773-995-2462 or jcarte30@csu.edu.

Student-victims may request that their complaint is not disclosed to the accused and that the accused will not be subject to grievance procedures under the Student Code of Conduct. In determining whether to honor such a request, the University will weigh (1) the seriousness of the allegations and (2) whether there have been other sexual misconduct complaints against the same individual. If the student-victim's request cannot be accommodated, the student-victim will be so notified.

Employees may address complaints of sexual harassment and sexual misconduct with the Equal Employment Opportunity ("EEO") Officer or Deputy. The University's EEO Deputy is Janelle Carter. Ms. Carter is located in the Office of Labor & Legal Affairs, Cook Administration Building, Room 318, and can be reached at 773-995-2462 or jcarte30@csu.edu.

C. ALTERNATIVES TO REPORTING

A student-victim of sexual misconduct may seek confidential assistance at the Counseling Center, located in the Cordell Reed Student Union Building, Room 190. Staff members are equipped to provide confidential supportive assistance, including guidance on the importance of preserving evidence which will be necessary to prove criminal sexual assault, if the victim subsequently chooses to pursue the incident through proper law enforcement channels. It is important for the victim to give serious consideration to reporting such incidents that do occur to the Title IX Coordinator or proper law enforcement agency.

Victims of sexual misconduct may also seek confidential support from the University Chaplain or the Wellness/Health Center:

Chaplain

Minister Corrine Grant
Chicago State University
DH-Suite A
773-995-3869

Wellness/Health Center

Chicago State University
ADM 131
773-995-2010

D. RESPONSIBLE EMPLOYEES

Notice to a “responsible employee” of an incident of sexual misconduct is notice to the University. Thus, any responsible employee who receives a report or is otherwise made aware of a potential violation of this policy must immediately report all known details to the Title IX Coordinator. The failure to report may subject responsible employees to disciplinary action.

A responsible employee is any individual who is also considered a “campus security authority” under the Clery Act. Additionally, all members of the faculty, all members of the President’s Executive Committee, all academic advisors, and advisors of student organizations are responsible employees under this policy.

V. INVESTIGATION PROCESS

Once the University is on notice that a potential act of sexual misconduct was committed by a member of the University community against another member of the University community, a prompt investigation of the complaint must be conducted.

In the event that the alleged perpetrator is a student, a preliminary investigation will be conducted to determine whether evidence that an act of sexual misconduct occurred exists. If any evidence is found, then the matter will be referred to the Office of Judicial Affairs for potential disciplinary action in accordance with the Student Code of Conduct.

In the event that the alleged perpetrator is an employee, a complete, confidential investigation will be conducted to determine whether the information establishes, by a preponderance of the evidence, that the employee committed an act of sexual misconduct. If the investigation determines that an act of sexual misconduct was committed, the matter will be referred to Human Resources for potential disciplinary action.

The failure to cooperate with an investigation of sexual misconduct conducted by the University is a violation of this policy. All parties involved in a complaint or investigation of a complaint under this policy are expected to maintain strict confidentiality.

VI. GREIVANCE PROCEDURES

Please refer to the [Student Code of Conduct] for the procedures governing the adjudication of a complaint of sexual misconduct perpetrated by a student.

Potential sanctions for students found responsible for an incident of sexual misconduct include, but are not limited to, removal from extracurricular activities or athletic teams, removal from the residence hall, probation, suspension or expulsion.

Potential sanctions for employees found responsible for an incident of sexual misconduct may include, but are not limited to, job reassignment, suspension and termination.

VII. STUDENT SERVICES

A. INTERIM MEASURES

To address the effects of an incident of sexual misconduct and protect the safety of the University community, interim measures may be taken by the University upon receipt of a complaint of sexual misconduct. A student-victim of an alleged act of sexual misconduct may be provided reasonable accommodations and support services after a complaint of sexual misconduct is made and before any adjudication of the complaint.

The University shall confer with the victim prior to implementing any accommodations. At the discretion of the University, the following accommodations may be available to a student-victim: (1) on-campus housing accommodations, (2) academic accommodations, (3) extracurricular or athletic accommodations, (4) University employment accommodations, (5) security escort services, (6) no contact order, (7) assistance obtaining a court order of protection, and (8) appointment of a support advocate.

Failure to comply with interim measures imposed by the University is a violation of this policy.

B. VICTIM RESOURCES

1. Campus Resources

Counseling services are available to any student involved in an incident of sexual misconduct, including the alleged perpetrator. The Counseling Center is located in SUB190. Please visit the webpage at <http://www.csu.edu/dosa/counselingCenter.htm> or call 773-995-2383 for hours and contact information.

Wellness/Health Center provides health services to students and is a comprehensive health and educational resources for the campus community. The Health/Wellness Center is located in ADM101. Please visit the webpage at <http://www.csu.edu/collegeofhealthsciences/wellnesshealthcenter/index.htm> or call 773-995-2010 for more information.

2. Local Resources

Chicago Alliance Against Sexual Exploitation

Support and legal services for victims of sexual violence

(773) 244-2230 x204

<http://caase.org/>

Chicago Domestic Violence Hotline

Domestic violence victim support

(877) 863-6338

http://www.cityofchicago.org/city/en/depts/fss/provdrs/dom_violence/svcs/domestic_violencehelpline.html

Chicago Rape Crisis Hotline

Sexual Assault victim support

(888) 293-2080

http://www.ywcachicago.org/site/c.fmJWKcOZJkI6G/b.8243023/k.58E0/Sexual_Violence_Support_Services.htm

Department of Health and Human Services -Illinois

Sexual violence victim support

(800) 843-6154

<http://www.dhs.state.il.us/page.aspx?item=30327>

Mujeres Latinas Accion

Support for victims of sexual violence

(773) 890-7676

<http://www.mujeerlatinassenaccion.org/>

Rape Victim Advocates

Sexual assault victim support

(312) 443-9603

<http://www.rapevictimadvocates.org/>

Center On Halstead

Support for LGBTQ community

(773) 472-6469

<http://www.centeronhalsted.org/>

Family Rescue

24-Hr Domestic violence Crisis Line

(800) 360-6619

<http://www.familyrescueinc.org/index.html>

3. National Resources

National Center on Domestic and Sexual Violence

800-700-HOPE

<http://ncdsv.org/>

Safe Horizon

800-621-HOPE (4673)

<http://www.safehorizon.org/>

National Teen Dating Abuse Hotline
866-331-9474

National Domestic Violence Hotline
800-799-7233

National Sexual Assault Hotline
800-656-4673

National Suicide Prevention Lifeline
800-273-8255
<http://www.suicidepreventionlifeline.org/>

RAINN (Rape, Abuse, & Incest National Network)
800-656-HOPE (4673)
www.rainn.org

Veterans Administration
Veterans Crisis Line
800-273-8255 (Press 1)
www.va.gov/vso/

VIII. TRAINING

A. STUDENTS

The University shall provide sexual misconduct prevention training to all incoming and new transfer students prior to beginning classes.

B. RESPONSIBLE EMPLOYEES

All responsible employees shall receive training of the University's sexual misconduct policies and reporting procedures on an annual basis.

C. TITLE IX COMMITTEE MEMBERS

The Title IX Coordinator, members of the Title IX Committee and any employees directly involved in the University's compliance efforts in accordance with this policy shall receive annual training of the University's sexual misconduct policies and procedures.

IX. PREVENTION/EDUCATION

Chicago State University provides ongoing sexual misconduct prevention education and awareness campaigns through various University departments including Academic Affairs, Enrollment Management, and Student Affairs. The University's prevention services include education regarding what constitutes sexual misconduct, reducing the risk of sexual violence, and bystander intervention. Awareness campaigns shall be aimed at raising the awareness of sexual harassment and sexual violence, including sexual assault, stalking, dating or domestic violence, and sexual exploitation.

Services and educational programs include, but are not limited to: on-line training, orientation workshops/presentations, posters and fliers posted in dorms and University buildings.

More detailed information on sexual assault and other forms of sexual violence is available at the CSU Counseling Center in CRSUB 190 and The Wellness Center located in the Cook Administration Building 131.