



<b>Policy Title:</b> HR-A 02.00 (A) Prohibition against Sexual Harassment in Rush Programs and Activities		<b>Former Policy Number:</b>	
<b>Document Owner:</b> Adam Michelman		<b>Approver(s):</b> Adam Michelman	
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## I. INTRODUCTION

Rush<sup>1</sup> is committed to the principles of equal opportunity and promoting and maintaining an environment that emphasizes the dignity and worth of every member of its community. Rush strives to have an environment that is free from unlawful Sexual Harassment. Rush complies with Title IX of the Higher Education Amendments of 1972 and its implementing regulations, which prohibits Sexual Harassment that occurs within its education programs or activities.

For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Rush has a legal duty to prevent and redress Sexual Harassment that occurs within its education programs or activities, as well as a moral and ethical duty to do so. Indeed, such conduct is contrary to Rush’s values, represents professionally and socially irresponsible behavior; and can damage the trust, influence and reputation of Rush and the medical profession. Moreover, because Rush’s primary mission of furthering the public good relies on maintaining public trust and confidence, it is essential that every member of the Rush community share in the responsibility for meeting our community’s conduct expectations. It is equally important that members of our community appreciate the impact Sexual Harassment that occurs within Rush’s education programs or activities can have on our environment, and the potential for severe consequences for such behavior.

## II. POLICY STATEMENT

Rush strictly prohibits all forms of Sexual Harassment against any member of the Rush community, including but not limited to students, house staff, members of the faculty, all employees, volunteers, guests and vendors (the “Rush Community”). Rush also prohibits any retaliation in response to reporting Sexual Harassment. Sexual Harassment, as well as retaliation for reporting Sexual Harassment, is illegal in Chicago.

Members of the Rush Community who commit Sexual Harassment are subject to the full range of discipline including verbal reprimand; written reprimand; mandatory training, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; permanent separation from the institution (that is, termination or dismissal); physical restriction from Rush property; cancellation of contracts; and any combination of the same.

Rush will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Rush’s Education Programs or Activities.

## III. REPORTING AND RESPONSE PROCEDURES

This policy, the Prohibition against Sexual Harassment in Rush Programs and Activities (hereinafter “this Policy” or “the Policy”), is administered by the Title IX Coordinator and the Office of Institutional Equity (hereinafter “Office of Institutional Equity” or “OIE”). The Policy addresses Rush’s obligations under relevant provisions of the implementing regulations of Title IX of the Higher Education Amendments of 1972 and the Violence Against Women Reauthorization Act of 2013 (also known as the Campus SaVE Act), the Preventing Sexual Violence in Higher Education Act, and other relevant laws. Rush values the fair, prompt and equitable inquiry into allegations that arise under this Policy. Sexual Harassment will not be tolerated.

It is central to the values of Rush that any member of the community who believes that they have witnessed or been the target of Sexual Harassment feel free to report their concerns for an appropriate response and investigation,

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<sup>1</sup> For purposes of this Policy, Rush encompasses the Rush University System for Health which is comprised of Rush University Medical Center (RUMC), Rush University (RU), Rush University Medical Group (RUMG), Rush Oak Park Hospital (ROPH), and Rush Copley Medical Center (RCMC) and will be referred to collectively as “Rush” hereinafter.



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without fear of retaliation or retribution. Rush will respond to reports, Formal Complaints, or information about incidents of Sexual Harassment by stopping the prohibited conduct, taking steps to prevent the recurrence of prohibited conduct, and addressing its effects on campus or in any Rush programs and activities regardless of location. Rush expects that all reports made under this Policy will be brought in good faith.

#### IV. RESPONSIBLE PARTIES

All reports and concerns about conduct that may violate this Policy (including retaliation for reports made pursuant to this Policy) should be filed with Rush’s Title IX Coordinator or the Office of Institutional Equity:

Nancee Hofheimer  
Title IX Coordinator  
1700 W. Van Buren St.  
Rush University Medical Center  
Chicago, IL 60612  
[Nancee\\_b\\_hofheimer@rush.edu](mailto:Nancee_b_hofheimer@rush.edu)

Reports can also be made electronically and/or anonymously through the Rush Hotline at (877) 787-4009 or via the Rush web reporting tool at [www.rush.ethicspoint.com](http://www.rush.ethicspoint.com).

Upon filing an electronic report of Sexual Harassment, the electronic reporter (if not anonymous) will receive an electronic response within twelve (12) hours notifying the electronic reporter of his or her rights and options.

Upon receipt of a report, the Title IX Coordinator will evaluate the information received and determine what actions should be taken.

Some types of Sexual Harassment may be criminal in nature and may, therefore, be reported to the Rush Security Department or the Police Department.

Rush RUMC Security Department  
312-942-5678  
From Campus Phone: 2-5678

Rush Oak Park Security Department  
708-660-2211  
From Campus Phone 6-2211

Police Department: Dial 911

A report may be filed at any time, regardless of the length of time between the alleged conduct and the decision to file the report. However, Rush strongly encourages individuals to submit reports promptly in order to preserve evidence for any potential investigation or accompanying proceedings. Delays in filing reports may impact the investigation or impact the ability to pursue a Formal Complaint under this Policy.

Any person may report Sexual Harassment, including Complainants, Third Parties, Witnesses, or Bystanders. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means noted above that results in the Title IX Coordinator receiving the person’s verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.



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In addition to reporting to the Title IX Coordinator, other than those identified as Confidential Resources in Appendix X, the following Rush officials are mandatory reporters for purposes of this Policy:

- The Chief Medical Officer
- Vice Provost, Student Affairs
- Human Resources

Upon receiving a report of an incident of Sexual Harassment prohibited under this Policy, Rush will provide the Complainant with a written document (separate from this Policy) listing, in plain, concise language, the Complainant's available rights, options and resources, as well as a description of Rush's procedures for investigating and resolving the report. Rush will also provide the Respondent with a written document (separate from this Policy) listing, in plain and concise language, the Respondent's available rights, options and resources, as well as a description of Rush's procedures for investigating and resolving the report.

A copy of Rush's notifications of rights and options can also be obtained by contacting the Title IX Coordinator or at <https://www.rushu.rush.edu/student-disclosure-information/health-and-safety/sexual-harassment-and-assault-prevention>

Inquiries about the application of Title IX may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
Chicago Office  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604  
Telephone: (312) 730-1560  
Fax: (312) 730-1576  
Email: OCR.Chicago@ed.gov

### **Partially Confidential Disclosures**

Rush has identified the following services who are able to keep reports of Sexual Harassment partially confidential if a victim or witness so wishes. Partially confidential advisors are required to report to the Title IX Coordinator that an incident has occurred and they must provide general details about the incident, but they are not required to disclose any personally identifiable information about the victim/reporting party.

*Chaplaincy Services (RUMC)*  
511A Kidston House  
1653 W. Congress Parkway  
Chicago, IL 60612  
312-942-5826

*Chaplaincy Services (ROPH)*  
Spiritual Care  
520 S. Maple  
Oak Park, IL 60304  
708-660-5658

*The Rush Wellness Assistance Program*

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(Powered by Perspectives, LTD)  
833/304-3627

<https://insiderush.rush.edu/wellness>

**Confidential Disclosures**

A victim or witness who wishes to keep the incident completely confidential can speak to someone at a local crisis and support center. Any information shared with an advocate or counselor at these agencies will not be shared or discussed with Rush officials and will not constitute a report or Formal Complaint. The following local crisis centers are available for victims:

*Chicago Rape Crisis Hotline*  
1 N. LaSalle Street #1150, Chicago, IL  
888/293-2080 (24 hours)

*Resilience*  
180 N Michigan Ave #600, Chicago, IL 60601  
312/443-9603

*State of Illinois Domestic Violence Hotline*  
877-863-6338

*National Sexual Assault Hotline*  
800-656-HOPE (4673)

**V. TRAINING**

Rush will provide training on Sexual Harassment prevention, reporting and response for all employees and students through various platforms. Training is required and will be provided annually. Rush officials acting under this policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, Rush provided advisors, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable state or federal law.

**VI. SCOPE OF POLICY**

This Policy applies equally to all members of the entire Rush community, including employees, Rush-appointed faculty as well as staff of any kind, students, residents, graduate fellows, and visiting students not enrolled at Rush University, patients, third parties with a contractual or business associate relationship or partnership with Rush, volunteers, and guests. This Policy applies when:

- The conduct occurs on campus;
- The conduct occurs off-campus in the United States and in the context of Rush programs or activities.
  - **Examples:** remote learning, Rush sponsored internships, or other Rush-affiliated programs in the United States<sup>2</sup>

<sup>2</sup> If the conduct occurs off-campus outside the context of a Rush program or activity, but has adverse effects on campus or in any Rush program or activity, please refer to *The Prohibition Against Harassment, Discrimination, and Sexual Misconduct*, which will dictate Rush’s response.



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## VII. DEFINITIONS

### 1) Report

Formal notification, either orally or in writing, of the good faith belief that Sexual Harassment or Retaliation has occurred.

### 2) Complainant

An individual who is alleged to be the victim of the conduct that could constitute Sexual Harassment or Retaliation in violation of this Policy who is participating in or attempting to participate in Rush’s Education Programs or Activities.

### 3) Reporter

A person other than the alleged victim who is aware of Sexual Harassment or Retaliation, and reports the conduct to the Title IX Coordinator, the Office of Institutional Equity, or HR.

### 4) Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment or Retaliation.

### 5) Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Rush investigate the allegation(s) of Sexual Harassment in accordance with this Policy. A “document filed by a Complainant” means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint. A formal complaint made under this Policy triggers the procedures outlined herein.

### 6) Supportive Measures

Immediately following a reported incident and while investigation is ongoing, Rush reserves the right to take whatever measures it deems necessary to ensure equal educational access, protect community members’ personal safety, and/or deter Sexual Harassment. These efforts may include: changes to academic, living, dining, transportation, and/or working situations, changes to impacted coursework or work schedules, class assignments, presence on campus, transportation, honoring an order of protection or no contact order entered by a state or civil or criminal court, or any other measures reasonably necessary. Rush may provide accommodations and issue supportive measures regardless of whether the Complainant or Reporter pursues a Formal Complaint pursuant to this Policy or reports the incident to local law enforcement. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report. *See Appendix B for more information on Supportive Measures.*

### 7) Education Programs or Activities

Education Programs or Activities refers to all the operations of Rush, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, dining services, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by Rush. It also includes off-campus locations, events, or circumstances over which Rush exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs.



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## 8) Retaliation

Retaliation is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has 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.

## 9) Consent

Consent is an understandable exchange of affirmative actions or words which indicate an active, knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Consent requires an affirmative act or statement by each participant; it is not passive. When evaluating consent, Rush will consider the objective indications of consent from a reasonable person's perspective.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent (*See* 9. Coercion below).
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent (*See* 10. Incapacitation below).
- If a person is asleep or unconscious, there is no consent.
- If a person is below the minimum age of consent in the applicable jurisdiction, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Being in a romantic relationship with someone does not alone imply consent to any form of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity and later withdraws that consent is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- Consent cannot be inferred from a person's manner of dress.
- Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent to past sexual activity does not constitute consent to future sexual activity.
- Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop.

## 10) Coercion

Direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise one would not have performed, or to acquiesce to an act which one would not have otherwise submitted. Coercion can include unreasonable and sustained pressure for sexual activity.

Coercive behavior differs from seductive behavior based on the degree of pressure applied. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's free will and ability to choose whether or not to engage in sexual activity. When a person makes it clear that he/she does not want to engage in sexual activity, that he/she wants to stop the sexual activity, or that he/she does not want to go past a certain point of sexual interaction, continued pressure applied by the other person may be coercive.

## 11) Incapacitation

The inability to make an informed and rational decision to consent because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the "who, what, where, when, why or how" of the sexual interaction) and/or



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is physically or mentally helpless. Incapacitation can result from the use of alcohol or drugs. No single factor is determinative of Incapacitation. Evidence of incapacitation may include slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, outrageous or unusual behavior, unconsciousness, elevated blood alcohol level, or loss of consciousness. A person wishing to engage in sexual activity with another must specifically determine the capacity of that potential sexual partner to obtain consent as defined above.

Incapacitation and intoxication do not provide valid explanations or excuses for violating this Policy.

### VIII. SEXUAL HARASSMENT

**Sexual Harassment** is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking as defined further below.

#### a) Quid Pro Quo Sexual Harassment

**Quid Pro Quo Sexual Harassment** is an employee of the Rush conditioning the provision of an aid, benefit, or service of Rush on an individual’s participation in unwelcome sexual contact.

**Examples:**

1. Personnel decisions—or threatening that such decisions will be made—by managers regarding promotions, raises, evaluations, or scheduling based on an individual’s submission to or rejection of sexual contact;
2. Submission to sexual contact used as a condition of keeping or getting a job, or receiving educational benefits, whether expressed in explicit or implicit terms.

#### b) Hostile Environment Sexual Harassment

**Hostile Environment Sexual Harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to Rush’s employment or Educational Programs and/or Activities.

In determining whether a hostile environment exists, Rush will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the context in which the conduct occurred; and the number of persons affected. Rush will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant’s position. A person’s adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

**Examples:**

1. Repeated sexual remarks, jokes, questions, humor, or comments
2. Using sexually explicit profanity
3. Display of sexually suggestive objects, graffiti, videos, posters or pictures
4. Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact





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5. Unwelcome kissing, hugging, or massaging
6. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
7. E-mail, internet, or other electronic use that violates this Policy
8. Leering or staring at someone in a sexual way, such as staring at a person’s breasts or groin
9. Sending sexually explicit emails, text messages, or social media posts
10. Commenting on a person’s dress in a sexual manner
11. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
12. Insulting, demeaning, or degrading another person based on gender or gender stereotypes

### c) Sexual Assault

**Sexual Assault**,<sup>3</sup> includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape, with each defined below.

1. **Rape:** Carnal knowledge of a person, without the consent of this victim, including instances where the person is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is “carnal knowledge” if there is the slightest penetration of the vagina or penis by the sex organ of the other person. Attempted Rape is included.
2. **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
3. **Sexual Assault With An Object:** Using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
4. **Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
5. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
6. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent as defined by Illinois law.

### d) Domestic Violence

**Domestic violence**<sup>4</sup> is felony or misdemeanor crimes 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

<sup>3</sup> Rush’s definition of “Sexual Assault” is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require Rush to adopt a definition of “Sexual Assault” that incorporates various forcible and non-forcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

<sup>4</sup> Also referred to as Intimate Partner Violence





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victim under the domestic or family violence laws of Illinois, 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 Illinois.

### e) Dating Violence

**Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

For the purposes of this definition:

- Whether the relationship is of a romantic or intimate nature is determined by a variety of factors, including:
  - The length of the relationship,
  - The type of relationship,
  - The frequency of interaction between the persons involved in the relationship

### f) Stalking

**Stalking** is knowingly or intentionally engaging in a course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

- A “course of conduct” means two or more acts in which the stalker—directly, indirectly, or through third parties and by any method, device, or means—follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- “Substantial emotional distress” means significant mental suffering, anguish or alarm that may, but does not necessarily, require medical treatment or professional counseling.

## IX. RETALIATION

Retaliation is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Reports of Retaliation for Sexual Harassment reported under this Policy will be addressed under the procedures outlined in this Policy.

## X. AMNESTY

Rush recognizes that students who have consumed alcohol when they are not twenty-one (21) years of age or who have been using illegal drugs may be hesitant to report sexual misconduct perpetrated against them or others. Therefore, Rush will not take disciplinary action under its alcohol or drug policies against a student who discloses illegal alcohol or illegal drug use in the context of reporting Sexual Harassment directed against them or another person. However, Rush reserves the right to require counseling, education, or other preventative measures to help prevent alcohol or drug violations in the future.

Rush’s commitment to amnesty in these situations does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs.



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## XI. CONDUCT OUTSIDE THE SCOPE OF THIS POLICY

Conduct that does not fall under the purview of this Policy may still violate Rush’s Prohibition Against Discrimination, Harassment, and Sexual Misconduct, Rush’s Code of Conduct, The Prohibition on Disruptive Conduct in the Workplace, or other applicable policies. Further, conduct that does violate one or more of Rush’s policies may still be contrary to Rush’s ICARE Values. Reports or Formal Complaints of misconduct that, if substantiated, would not constitute a violation of this Policy and/or after an investigation are found unsubstantiated under this Policy, may nonetheless violate Rush’s expectations for professionalism, civility, and standards of conduct. Such reports may be referred by the Title IX Coordinator to a manager, appropriate Dean and/or Human Resources for consideration and appropriate action in response.

## XII. STANDARD OF EVIDENCE

Allegations of violations of this Policy will be analyzed using the preponderance of evidence standard. This standard evaluates whether it is **more likely than not** that a proposition is true than not true.



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## Formal Complaint Resolution Procedures

### I. Initial Assessment

After receiving a report of Sexual Harassment as defined in this Policy, the Title IX Coordinator<sup>5</sup> will gather information about the reported conduct and respond to any immediate health or safety concerns. This will include,

- Whether the conduct, as reported, falls or could fall within the scope of this policy (see "Scope"); and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

When possible, a discussion of the Complainant's expressed preference for manner of resolution and any barriers to proceeding. It will also take into consideration Rush's obligation to maintain an environment free from Sexual Harassment. While balancing individual privacy interests, may, as needed, consult with supervisors, advisors, and/or instructors regarding the alleged conduct to inform the Title IX Coordinator's initial assessment. As a result of this assessment, the Title IX Coordinator will make one of two determinations:

- 1. Establish Formal Complaint.** At the conclusion of the initial assessment, if the report alleges conduct reported could fall within the scope of this Policy and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will inform the Complainant that in order to proceed, a Formal Complaint is required.
- 2. Referral/dismissal.** At the conclusion of the initial assessment, if the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title IX coordinator will dismiss the report from consideration under this Policy, close the matter, and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA").

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report. If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see "Supportive Measures"); to discuss and consider the Complainant's wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

Notwithstanding dismissal under this Policy, the Title IX Coordinator may still refer the reported concern for consideration under other Rush policies administered by OIE, or refer the matter to another Rush department, business unit, or resource for consideration.

### II. Supportive Measures

<sup>5</sup> Throughout these procedures, use of the phrase "Title IX Coordinator" also includes a proper designee of the Title IX Coordinator who, in all cases, will be a member of the OIE.



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If a report is not closed as a result of the initial assessment (see “Initial Assessment”), Rush will offer and make available Supportive Measures (see Appendix B) to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and Rush will offer and make available Supportive Measures (see Appendix B) to the Respondent in the same manner in which it offers and makes them available to the Complainant. Rush will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

Rush will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair Rush’s ability to provide the Supportive Measures in question.

### III. Interim Removal

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from one or more of Rush’s Education Programs or Activities on an temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, Rush may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, Rush retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### IV. Formal Complaint

Rush will conduct an Investigation under this policy and these procedures only upon the filing of a Formal Complaint. A Formal Complaint may be initiated by the Title IX Coordinator or a Complainant. No person may submit a Formal Complaint on the Complainant’s behalf. In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of Rush if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to Rush Community. Factors the Title IX Coordinator may consider include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk of occurring again. If the Complainant or the Title IX Coordinator files a Formal Complaint, then Rush will commence an investigation and proceed to adjudicate the matter.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party’s level of participation.



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A Formal Complaint must include a physical or digital signature.

## V. Consolidation of Formal Complaints

Rush may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this Policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

## VI. Grounds for Dismissal of Formal Complaint

- i. Rush **must** dismiss a Formal Complaint where the conduct alleged:
  - A. Does not constitute Sexual Harassment as defined in this Policy, even if proven;
  - B. Did not occur in the context of Rush's Education Programs or Activities; or
  - C. Did not occur in the United States.
- ii. Rush **may** dismiss a Formal Complaint if:
  - A. A Complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw the Formal Complaint or any allegations therein;
  - B. The Respondent is no longer enrolled or employed by Rush; or
  - C. Rush is prevented from gathering evidence sufficient to reach a determination under this Policy.

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other Rush offices, as appropriate.

## VII. Notice of Investigation

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint under this Policy, the Title IX Coordinator will provide the Complainant and the Respondent a written Notice of Investigation, containing the following information (if known):

- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident; and
- The alleged Policy violation(s).

This Notice of Investigation will also inform the parties of their rights under these Procedures:

- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility not be made until the conclusion of the adjudication and any appeal;
- Name of the Investigator(s) assigned;



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- Rush’s policy against retaliation and sections of this policy regarding bad faith complaints and false information;
- The importance of preserving any potentially relevant evidence in any form;
- An explanation that each party has a right to an Advisor of his or her choice, who may be, but is not required to be, an attorney;
- An explanation that each party has a right to inspect and review evidence uncovered during the Investigation;
- Information about resources that are available on campus and in the community; and
- A copy of this Policy and these Procedures or a hyperlink to the same.

If the Investigation reveals the existence of additional or different potential Policy violations, the Title IX Coordinator will issue a supplemental Notice of Investigation that includes this information.

### VIII. Investigation

Once the Formal Complaint is signed and notice of the investigation has been provided, the Title IX Coordinator will initiate an investigation and assign an investigator. An investigator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with Rush and not with the parties. The Complainant and Respondent will receive notice of the identity of the investigator at the outset of the investigation, and in all cases before he or she initiates contact with either party. The investigation will be thorough, impartial, and fair, and all individuals will be treated with sensitivity and respect. The investigation is designed to provide a fair and reliable gathering of the facts.

The investigation will culminate in a written investigation report that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, Rush strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of Formal Complaint.

### Procedural Steps of the Investigation

An investigation is not necessarily a linear function. As such, the investigator retains discretion to deviate from this general process description, as needed, while maintaining fairness (and in accordance with federal regulations) throughout the investigative process. Investigations will generally occur as follows:

#### **Step 1: Initial Complainant Interview(s)**

The investigator will generally meet with a Complainant for an initial interview to learn more about the underlying allegation(s) and the interests of the Complainant in filing a Formal Complaint. This interview will be separate and apart from any meetings with the Complainant during the initial assessment.

#### **Step 2: Informational Meeting with Respondent (optional)**

A Respondent wishing to participate in an informational meeting will have five (5) days after notice is transmitted of the investigation to inform the Title IX Coordinator if the Respondent wishes to have an informational meeting, and seven (7) days after transmittal of the notice to complete the informational meeting with the Title IX Coordinator or assigned investigator before the investigation moves forward.



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**Step 3: Initial Respondent Interview(s)**

After the Respondent has completed or declined the informational meeting, or the time period for accepting the informational meeting has passed, the Respondent will be invited to complete an initial interview with the investigator. The initial interview must generally be completed within seven (7) days of the request or the investigation will move forward without the Respondent’s initial interview.

**Step 4: Investigation Stage**

The investigator will conduct interviews with witnesses as necessary, collect and review documents and any other relevant evidence concerning the alleged conduct in question. The parties may provide any relevant information to the investigator, including the names of witnesses to contact, documentation, or other evidence.

The Complainant and Respondent will have an equal opportunity to be heard by the investigator, to submit information, to identify witnesses who may have relevant information (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Investigators will use their discretion to determine the relevance of proposed evidence and the necessity of interviewing witnesses. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in “Sexual History.” The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

In many cases, investigators will have follow-up questions for the Complainant and Respondent after their initial interviews, and will provide each party the opportunity to respond to relevant information, facts and evidence provided by the other party and witnesses.

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator’s notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator’s sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

**Step 6: Access to Evidence**

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence Rush may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.





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**Step 7: Investigator Determination/Investigation Report**

After the period for the parties to provide any written response as specified above has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

**Step 8: Opportunity to Review Final Report**

Upon request, the Title IX Coordinator will meet with the Complainant and Respondent individually during a prearranged time to share the Final Report. The Complainant and Respondent may opt to review the report electronically instead. This may or may not occur simultaneously based on the availability of the parties.

**IX. Special Considerations**

*Outside Appointments, Dual Appointments, and Delegations:*

Rush retains discretion to retain and appoint suitably qualified persons who are not Rush employees to fulfill any function of Rush under this policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

Rush also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given Rush official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in Rush’s discretion, be delegated by such Rush official to any suitably qualified individual and such delegation may be recalled by Rush at any time.

*Conflicts of Interest:*

The Complainant and Respondent will receive notice of the identity of the investigator at the outset of the investigation. Either party may request a substitution in the case of an actual or apparent conflict of interest by notifying the Title IX Coordinator within five (5) s days of being contacted. The Title IX Coordinator maintains discretion to consider and determine the existence of a conflict of interest, in which case it will substitute a new investigator.

*Time Extensions:*

Extension of a deadline or investigator directive may be granted by the investigator for reasonable or exigent circumstances. Parties may submit those requests at any time in writing to the investigator, who will have sole discretion to grant or deny the extension. The investigator may require support or documentation to verify the circumstance on which the request is based.



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*Advisor and Support Person Participation:*

Throughout the investigation and adjudication process, a Complainant and Respondent may have an advisor, who may be but is not required to be an attorney, or a support person, present at any investigation meeting. During the investigation stage of these proceedings, the Advisor’s role is observational, and Advisors who are disruptive during meetings and/or investigative interviews may be required to leave. Advisors’ roles are discussed generally in Appendix C and their function during the live hearing process is outlined in VI. Hearings.

*Privacy:*

All reasonable measures will be taken to protect the privacy of the parties and witnesses, and to reduce disruption to affected departments, programs and business units to the extent possible. Confidentiality in this process, however, is not guaranteed, as the Title IX Coordinator must engage those Rush official “with a need to know” to execute his or her responsibilities under this Policy.

*Duty to Timely Cooperate:*

To help ensure that the investigation can be completed in a timely manner, Rush has established time limits for each component of the investigation after a Complainant has filed a Formal Complaint. The time frames do not change the fact that Complainants and Respondents have the right to determine whether, and to what extent, they will participate in the investigation. An investigation will move forward at the time limit for each stage of the investigation irrespective of whether the noticed individual completes the identified component of the investigation.

*Character Witnesses:*

Witnesses must generally have observed the acts in question or have information relevant to the incident and cannot participate in an investigation solely to speak about an individual’s character. Reasonable character statements may be provided and considered as part of any sanctioning determination. However, in some limited circumstances, an investigator may determine these to be relevant to an investigation and consider them.

*Prior Sexual History:*

In general, a Complainant’s prior sexual history is not relevant and will not be admitted as evidence during an investigation. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges that consent was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted except under limited exceptions, including if offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent (as discussed above). Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant’s allegations, may be deemed to have waived the protections of this Section.

*Prior Allegations/Pattern of Conduct:*

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In gathering the facts, the investigator may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant. Where there is evidence of a pattern or conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative in the investigation. The determination of relevance will be based on an assessment of whether:

- The previous incident was substantially similar to the present allegation;
- The information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent; or
- The Respondent was subject to a previous credible allegation and/or previously found responsible for a Policy violation.

*Treatment Records and Other Privileged Information:*

No person will be required to disclose information protected under a legally recognized privilege during the investigation process, unless Rush has obtained the party’s voluntary, written consent to do so for the purposes of the investigation process.

**X. Adjudication Process Selection**

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes. The notice will explain that the hearing process is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified below as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy, consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

Once the form of adjudication is selected, either by or by both parties timely consenting to administrative adjudication, the selection is final and will not be altered.

**XI. Administrative Adjudication (Optional)**

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator.



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If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator.

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer’s meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party’s written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, undue prejudice, the prohibition on the use of sexual history, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the parties’ written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party’s written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively reevaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person’s status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (i.e., “more likely than not”) standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any Rush official and the Title IX Coordinator and will prepare and transmit a written decision, which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer’s written determination concludes the administrative adjudication, subject to any right of appeal.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, Rush strives to issue the administrative officer’s written determination within twenty-one (21) days of the transmittal of the initiating written notice.



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Other language in this section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student

## XII. Alternative Resolution

Alternative resolution is a voluntary, remedies-based resolution designed to resolve a Formal Complaint. Examples of remedies include, but are not limited to:

- Access to counseling services
- Imposition of a "No-Contact Order;"
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections;
- Change in work schedule or job assignment;
- Change in student's campus housing;
- Assistance from Rush support staff in completing housing relocation;
- Limiting access to certain Rush facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to assure safe movement between classes and activities;
- Referral for medical services;
- Providing academic support services; and/or
- Any other remedy which can be tailored to the involved individuals to achieve the goals of applicable policies.

Other potential remedies include targeted or broad-based educational programming or training, supported, voluntary direct confrontation of the respondent and/or indirect action by the Title IX Coordinator, OIE, a supervisor, or other official. Rush may offer mediation for appropriate cases but will not compel any party to engage in mediation, or to participate in any particular form of alternative resolution. The decision to pursue alternative resolution will be made when the Title IX Coordinator has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in alternative resolution is voluntary, and either party can request to end alternative resolution at any time.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another Rush official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.



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After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by Rush, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to Rush. Notwithstanding the forgoing if the form of informal resolution is Administrative Adjudication as specified in "Administrative Adjudication," there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in "Administrative Adjudication," all other forms of informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

**XIII. Hearings**

The default process for adjudicating Formal Complaints is the hearing process specified in this Section. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified above.

Within fourteen (14) days of receipt of the Final Investigative Report, the Title IX Coordinator will convene a meeting of a Hearing Board. The Hearing Board will conduct a Hearing to determine, by a preponderance of the evidence, whether the Respondent violated any provision of this Policy.

Prior to the hearing, members of the Hearing Board shall be furnished with a copy of the Investigative Report and a copy of evidence transmitted to the parties by the investigator, as specified above.



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## 1. Composition of the Hearing Board

The Hearing Board will be composed of a Hearing Officer and two Decision-Makers. Each Hearing Board will consist of a group of one or more of the following representatives: the Chief Medical Officer (or his/her designee) the Vice Provost for Student Affairs (or his/her designee), and a member of Human Resources.

The Hearing Board will be led by a Hearing Officer who may be, but is not required to be, an attorney. At the Hearing, the Hearing Officer will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the Hearing, and may question participants who testify at the hearing, and is entitled to have the advice and assistance of legal counsel.

## 2. Hearing Notice and Response to the Investigation Report

After the Hearing Board is appointed by the Title IX Coordinator, the Hearing Board will promptly transmit written notice to the parties notifying the parties of the Hearing Board's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of this policy and relevant procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the Hearing Board;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the Hearing Board;
- Any objection that the party has to this policy or the associated procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that Rush provide an advisor for purposes of conducting questioning.





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A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

### 3. Pre-Hearing Conference

At least three (3) days before the Hearing, the Hearing Officer will convene a Pre-Hearing conference among the parties and/or their Advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary Rush personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. Parties and their Advisors must attend the pre-hearing conference. In the Hearing Officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

The Hearing Officer will set the agenda for the pre-hearing conference, which may include the following:

- Proceeding structure and logistics, including the process that will be utilized for the presentation of witnesses and evidence
- Address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate
- Stipulations of fact, if any
- Witness lists and order, including the issuance of notices of attendance at the Hearing
- Exhibit lists and admissibility
- Relevance of evidence
- Expected length of Hearing and other timing considerations
- Resolve any other matters that the Hearing Officer determines, in the hearing officer's discretion, should be resolved before the hearing

After the Pre-Hearing Meeting, the Hearing Officer will send the parties a written summary of the meeting.

### 4. Notices of Attendance at Hearing

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any Rush employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, or other supervisors are required to excuse the subject of the obligation, or provide some other



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accommodation, so that the subject may attend the hearing as specified in the notice. Rush will not issue a notice of attendance to any witness who is not an employee or a student.

## 5. Hearing

The Hearing is an opportunity for the Complainant and Respondent to address the Hearing Board in person. The Hearing Board has the discretion to determine the specific Hearing agenda.

Both the Complainant and the Respondent are provided the opportunity to be present at the Hearing, present witnesses, and speak on his or her own behalf. Should the Complainant or Respondent fail to attend the scheduled Hearing, the Hearing will be held nonetheless and a determination will be made despite the absence of either party.

An excused absence from Rush obligations, including work assignments or academic courses, will be provided to parties and witnesses as necessary to ensure attendance at the Hearing.

Either party may request alternative arrangements for participating in the Hearing that do not require physical proximity to the other party, including participating through electronic means that permit both parties to simultaneously see and hear one another. By default, the hearing will be conducted with the Hearing Board, the parties, the advisors, witnesses, and other necessary Rush personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. Except as otherwise permitted by the Hearing Officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary Rush personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

Both the Complainant and the Respondent are provided the opportunity to be heard and respond to any questions of the Hearing Board. The Hearing Board will communicate directly with the Complainant and the Respondent, not through any third party.

A representative may not appear in the place of a Complainant or Respondent.

Neither the Complainant nor the Respondent will be permitted to engage in direct communication with the other party before, during, or immediately following the Hearing. Neither party will be compelled to testify in the physical presence of the other party.

## 6. Role of Advisors in Hearing

Both the Complainant and the Respondent may have an Advisor of choice present at the Hearing. If a party does not have an Advisor for the live hearing, Rush will provide an Advisor of its choice to conduct cross-examination on behalf of that party at no-charge. The Advisor role during the hearing is limited to asking questions of the other party and any other witnesses. Advisors will not be permitted to disrupt the Hearing.

Reasonable breaks will be offered during the Hearing for the Complainant and the Respondent to confer with their respective Advisors privately. The scheduling and length of all breaks will be at the discretion of the Hearing Board.

## 7. Evidence and Questioning



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**Access to Evidence.** The Hearing Board will make all evidence obtained as part of the investigation that is directly related to the allegations set forth in the Formal Complaint available at the Hearing, and will give each party equal opportunity to refer to such evidence.

**Relevance.** Only relevant questions, including cross-examination questions, may be asked of a party or witness during the Hearing. Before a party or witness answers a question, the Hearing Officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

While both parties are encouraged to provide any information they believe may be relevant, evidence about a party’s prior sexual conduct with anyone other than the other party is ordinarily not considered relevant except in those instances where there was a prior sexual relationship between the parties and the information shared may be relevant to the issue of consent, or where such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant. In addition, evidence of a prior consensual dating or sexual relationship between the parties, in and of itself, does not imply consent or preclude a finding of sexual assault.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The Hearing Officer will have discretion to modify the procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section are met.

**Requirement to Participate in Investigation.** There is a presumption that to be considered in the Hearing, evidence or witness testimony must be part of the Investigation record. The Hearing Board has the sole discretion to permit evidence or testimony that is not part of the Investigation record to be offered in a Hearing if that evidence is relevant, known, and was previously unavailable. The parties will be provided an opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect.

**Order of Proceeding.** Each party may make opening and closing statements. The Complainant will present his or her witnesses and statements first, after which the Respondent will have the option of presenting his or her witnesses and statements.

**Questioning.** The Hearing Officer may, at his or her discretion, ask questions during the hearing of any party or witness, and may be the first person to ask questions of any party or witness. Each party’s Advisor may ask the other party and any witness relevant questions, including those challenging credibility. Such questioning must be conducted directly, orally, and in real time by the party’s Advisor and never by a party personally. The parties will not be permitted to personally ask questions of the other party or of any witnesses that participate in the hearing.

Advisors may ask questions in the following manner:

- The Advisor will ask a question of the applicable participant. Before the participant answers the question, the Hearing Officer will determine whether the Advisor’s question is relevant to the Formal Complaint. If the Hearing Officer determines the Advisor’s question is not relevant, then the Hearing Officer will explain the decision to exclude the question as not relevant. If the Hearing Officer allows the question as relevant, the participant will answer it.



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**Cross-Examination.** The Hearing Board will not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer questions.

**Treatment Records and Other Privileged Information.** No person will be required to disclose information protected under a legally recognized privilege during the hearing unless Rush has obtained the party’s voluntary, written consent to do so for the purposes of the hearing.

The Hearing Officer must not allow into evidence, consider, disclose, permit questioning, or rely upon, or otherwise use any questions or evidence that may require or seek disclosure of such information as:

- A party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney-client privilege.

Notwithstanding the foregoing, the Hearing Officer may consider any such records or information otherwise covered by this Section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

**8. Recording of Hearing**

The hearing will be audio recorded by Rush personnel designated by the Title IX Coordinator or Hearing Officer only. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal. The recording will be preserved for at least seven (7) years after the conclusion of the Hearing, or as long as necessary to provide evidence should the matter be referred to legal processes.

**XIV. Determination**

Within seven (7) days following the Hearing, the Hearing Board shall objectively evaluate evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person’s status as a Complainant, Respondent, or witness. The Hearing Board will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or otherwise. The Hearing Board will resolve disputed facts using a preponderance of the evidence (that is, “more likely than not”) standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint and make a written determination that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by Rush upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses,



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methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.

- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate Rush official;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of Rush’s process and grounds for appeal, as specified in below.

The Hearing Board will provide its written determination to the parties simultaneously.

The written determination will include a description of the allegations potentially constituting Sexual Harassment, findings of fact supporting the determination, and conclusions applying Rush’s Policy to the facts.

Where there is a finding of responsibility for a violation of this Policy, the Hearing Board, after consultation with the Title IX Coordinator and reviewing the sanctioning guidelines, may assign one or more Sanctions, as described below in Section labelled Sanctioning.

The Hearing Board will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal. Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, Rush strives to issue the Hearing Board’s written determination within seven (7) days of the conclusion of the hearing.

## **XV. Sanctioning**

Sanctions may include, at a minimum, a verbal warning, and at a maximum, termination or expulsion from Rush. The goal of a sanction is to proportionately balance the interests of reducing recurrence, ensuring safety, imposing punitive measures, and advancing educational and developmental growth of an offender, where that may be possible. In addition to the nature of the policy violation in question, sanctioning officials may take into consideration the following aggravating and mitigating factors when arriving at a sanctioning decision:

- State of mind of Respondent (intentionality, bias-motivated, recklessness or negligence/mistake)
- Position of trust/power differential between the persons involved
- Eggregiousness of misconduct (e.g., act of violence, use of a weapon, use of drugs)
- Safety risk to the broader community
- Reputational risk to Rush or the medical profession
- Prior misconduct by the Respondent, including the Respondent’s relevant prior discipline history, both at Rush or elsewhere, including criminal convictions (if available)
- Impact statement by either party



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- Conduct during the investigation and adjudication (level of cooperation, inappropriate or obstructive behavior toward the investigator or the parties or witnesses, any retaliatory conduct)
- Whether the Respondent has accepted responsibility for the conduct

Sanctions will outline the basis for the decision and should generally address any applicable implementation considerations:

- Duration and end point of any ongoing restriction (e.g., how long will a no-contact directive apply); any conditions that may be imposed for the restriction to end
- Foreseeable exceptions, if any, and expectations (e.g., continued interaction in a work environment, academic classes, etc.)
- How to handle unforeseeable circumstances that may arise relating to the sanction

Possible Sanctions can include, but are not limited to:

- Verbal warning
- Written warning
- Disciplinary hold on academic and/or financial records
- Performance improvement/management process
- Required counseling
- Required training or education
- Campus access restrictions
- No trespass order (with respect to campus locations)
- No contact directive (with respect to an individual)
- Loss of privileges
- Loss of oversight, teaching or supervisory responsibility
- Probation
- Demotion
- Loss of pay increase
- Transfer (employment)
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Expulsion
- Degree revocation
- Termination of employment
- Revocation of tenure
- Termination of contract (for contractors)

Rush may assign other sanctions as appropriate depending on the violation.

## **XVI. Appeals**

Mere disagreement with the Hearing Board's decision is not grounds for appeal. Either party may appeal a determination of an adjudication or dismissal of a Formal Complaint, on one or more of the following grounds:



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1. There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome
2. There was a procedural irregularity affected the outcome
3. The Title IX Coordinator, investigator, Hearing Board member(s), or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome
4. The sanction is disproportionate to the outcome

No other grounds for appeal are permitted.

### ***Method of Appeal***

Appeals must be filed with the appropriate Appeals Official within five (5) days of receipt of the hearing determination. The appeal must be in writing and contain the following:

- Name of the parties
- A detailed statement of the grounds for the appeal including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any

Promptly upon receipt of an appeal, the Appeal Official will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the Appeal Official determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the Appeal Official will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

### ***Resolution of the Appeal***

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the Appeal Official will promptly decide the appeal.

The Appeals Officer will generally resolve the appeal within ten (10) days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The parties will be notified in writing if the Appeals Officer's decision will take longer than ten (10) days. The decision of the Appeals Officer is final, subject only to formal grievance procedures established by other applicable policy.

The Appeals Officer shall issue a short and plain written statement of the resolution of the appeal, including any changes made to the Hearing Board's determination or sanctions imposed. The written statement shall be simultaneously provided to the Complainant, Respondent, and Title IX Coordinator within three (3) days of the resolution.





**Policy Title:** HR-A 02.00 (A) Prohibition against Sexual Harassment in Rush Programs and Activities

**Former Policy Number:**

**Document Owner:**  
Adam Michelman

**Approver(s):** Adam Michelman

**Date Created:** 01/12/2023

**Date Approved:** 01/12/2023

**Date Updated:** 05/03/2023

**Review Due:** 01/12/2026

**Applies To:** RUMC  RUMG  ROPH  RCMC  RCH  ROPPG  RCMG  RU

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The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

**Appeal Officials<sup>6</sup>**

- For staff respondents: Chief Human Resources Officer
- For faculty respondents: Dean
- For physician respondents: Chairperson or President of the Medical Staff
- For student respondents: Provost

**XVII. Timing**

Where this policy specifies a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period;
- Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government;
- Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this policy are subject to modification by Rush where, in Rush’s sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with Rush’s legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, administrative officer, appeal officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. Rush officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of Rush.

The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

<sup>6</sup> Because of the time-sensitive nature of Appeals under this Policy, each of these Appeal Officials shall be permitted to properly designate the authority to decide an Appeal.



<b>Policy Title:</b> HR-A 02.00 (A) Prohibition against Sexual Harassment in Rush Programs and Activities		<b>Former Policy Number:</b>	
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## XVIII. Signatures

For purposes of this Policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this Policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

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## **APPENDIX A: RIGHTS OF PARTIES**

Throughout their involvement in this process, the consideration of discipline, and/or appeal proceedings, the Complainant and Respondent have the rights and responsibilities listed below.

The right to be treated with dignity and respect.

The right to be informed of the relevant Rush policies that are involved in the process.

The right to a prompt and thorough, fair and equitable investigation.

The right to object to the participation of the assigned investigator, a sanctioning official, or appeals official based on a conflict of interest or demonstrable significant bias.

The right to request reasonable assistance and support (i.e., for disability, language barriers, or location/proximity concerns) to ensure full participation in the process. Requests must be received in a timely manner, no less than 24 hours before any meeting time.

The right to privacy throughout the process to the extent possible, except for Rush administrators that legitimately need to know status of the process.

The right to be free from intimidation and retaliation and, upon request, to have reasonable steps taken by Rush to prevent unnecessary or unwanted contact with involved parties.

The right to written notification of an investigation resulting from a report concerning a potential violation. This notice will include the following:

The consequences if a party chooses not to participate in the investigative process; and

A copy of his or her rights and responsibilities.

The right to share information in support of his/her own perspective during the investigative process.

The right to provide the names of other individuals, during the investigative process, who have information directly relevant to the incident.

The right to have an Advisor of his or her choice present throughout the process.

The right to seek the advice and assistance of an attorney at his or her own expense.

## **APPENDIX B: SUPPORTIVE MEASURES**

Supportive measures are individualized services that aim to ensure persons can continue to engage in their education and work, to the extent possible, following a report of a policy violation and during the pendency of an investigation. Reasonable supportive measures are available to both the Complainant and Respondent. They may not be available or reasonable based on fact-specific circumstances, and the measures needed may change over time. Supportive measures include:

An explanation of the procedural options, including alternative resolution, investigation, corrective actions, and disciplinary actions;

Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding;

Explain Rush's prohibition on retaliation;

Explain the role of an Advisor & Support Persons (See Appendix C);

Explain availability of Confidential Services (See Appendix D);

Explain Immediate & Ongoing Assistance Resources (See Appendix E);

Counseling and class-related accommodations;

Safety-related accommodations; and

Contact restrictions, except where job duties require employees to work together and there are no safety concerns or allegations of prohibited Sexual Harassment.

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## **APPENDIX C: ADVISORS & SUPPORT PERSONS**

During the investigation and hearing processes, the Complainant and Respondent have the right to be assisted by a support person and an advisor of their choice. The advisor may be, but is not required to be, an attorney.

The Advisor may accompany the Complainant or Respondent to any meeting during the Investigation. The Advisor will be present and responsible for asking relevant questions and conducting cross-examination during the Hearing. Any person who serves as an Advisor should plan to make themselves available throughout the duration of the Investigation and Hearing processes under this Policy.

### *Expectations for Advisors & Support Persons*

Individuals serving as an Advisor or a Support Person shall review and comply with the applicable policy and procedures relating to the expectations of their role, understand Rush's privacy considerations, and similar requirements relating to this process.

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Advisors and Support Persons may be present at any meeting or proceeding and may consult directly with the individual they are advising or supporting in a way that does not disrupt or delay any proceeding. Advisors or Support Persons may not: be a witness or otherwise actively participate in any proceeding. Advisors and Support Persons may not attend a proceeding in the absence of the person they are advising or supporting.

Advisors or Support Persons who act in a manner contrary to these guidelines or otherwise disrupt any proceeding may be excluded from that proceeding and/or future proceedings.

In the event a party is not able to secure an advisor to attend the hearing and requests Rush to provide an advisor, Rush will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. Rush will have sole discretion to select the advisor it provides. The advisor Rush provides may be, but is not required to be, an attorney. Rush is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing and requests that Rush provide an advisor.

### *Responsibilities of Parties Relating to Advisors & Support Persons*

The parties have the responsibility to notify his or her Advisor or Support Person of the time, date, and location of any meeting associated with the investigative process or any meetings related to the Hearing Process. Meetings will not be unreasonably rescheduled to accommodate an Advisor or Support Person's schedule. The parties are also responsible for providing notification that an Advisor or Support person will be present for meetings no later than forty-eight (48) hours before the scheduled meeting.

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## **APPENDIX D: CONFIDENTIAL RESOURCES**

Confidential resources are available to Complainants, Respondents, and reporters via the following services:

*The Rush Wellness Assistance Program*  
(Powered by Perspectives, LTD)  
833/304-3627  
<https://insiderush.rush.edu/wellness>

*Resilience (formerly Rape Victim Advocates)*  
180 N. Michigan Ave., Suite 600  
Chicago, IL 60601  
312/443-9603

These resources do not report any information about an incident to any Rush personnel without a victim's permission. Off-campus counselors and health care providers will also generally maintain confidentiality and not share information with Rush unless the victim requests the disclosure and signs a consent or waiver form. However, these resources may have reporting obligations under state or federal law. For example, healthcare providers and certain other individuals are required to notify law enforcement when a victim seeks treatment for injuries related to a violent crime, including sexual assault. Similarly, all persons are required to notify law enforcement when they receive a report of sexual abuse of a minor.

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## **APPENDIX E: IMMEDIATE & ONGOING ASSISTANCE**

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, get to safety and do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, Rush recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred—preserve for law enforcement
- Preserve all forms of electronic communication that occurred before, during, or after the assault
- Contact law enforcement by calling 911.
- Get medical attention - all medical injuries are not immediately apparent. This will also help collect evidence that may be needed in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor, Rush chaplain, or health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.
- Explore this Policy and avenues for resolution.

If you suspect that you may have been drugged, inform medical personnel or law as soon as possible so they can attempt to collect potential evidence (e.g., from the drink, through urine or blood sample).

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- obtaining Supportive Measures
- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- filing a Formal Complaint
- requesting that no further action be taken

Rush Campus Security will assist a victim in obtaining a protective order.

As discussed in Appendix D, some of these resources are subject to mandatory reporting requirements.

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*Rush Emergency Room*  
1653 West Congress Parkway  
Chicago, IL 60612  
312/942-6428

*Rush Oak Park Emergency Room*  
520 S Maple  
Oak Park, IL 60304  
708/383-9300

*Rush Campus Security*  
312/942-5678 (24 hours)

*Rush Oak Park Campus Security*  
708/660-2211

*The Rush Wellness Assistance Program*  
(Powered by Perspectives, LTD)  
833/304-3627  
<https://insiderush.rush.edu/wellness>

*Chicago Police Department*  
In case of emergency: Dial 911  
12th District Police Department  
1412 S. Blue Island  
Chicago, IL 60608  
312/746-8396  
[CAPS012District@chicagopolice.org](mailto:CAPS012District@chicagopolice.org)

Oak Park Police Department  
In case of emergency: Dial 911  
123 Madison St  
Oak Park, IL 60302  
708/386/3800

*City of Chicago Domestic Violence Helpline*  
877/863-6338 (24 hours)

*Resilience (formerly Rape Victim Advocates)*  
180 N Michigan Ave., Suite 600  
Chicago, IL 60601  
312/443-9603

*Chicago Rape Crisis Hotline*  
1 N. LaSalle St., Suite 1150  
Chicago, IL 60602  
888/293-2080

*National Domestic Violence Hotline*  
800/799-7233 (24 hours)

*National Sexual Assault Hotline (RAINN)*  
800/656-4673 (24 hours)

*YWCA Rape Crisis Hotline*  
888/293-2080 (24 hours)

The law enforcement agencies listed above are available for emergency response, facilitating medical transport, investigating incidents of a criminal nature, referrals, and preserving evidence. Rush Campus Security is required to

report potential violations of this Policy to the Title IX Coordinator, as well as to report incidents of Sexual Assault and other criminal acts of a serious nature to the Chicago Police Department.

The medical service providers listed above are available for treatment of injuries, preventative treatment for sexually transmitted diseases, other health services, and consultations. Rush encourages individuals who have been sexually assaulted to undergo a health assessment by a sexual assault nurse examiner (SANE) as soon as possible. A SANE is a registered nurse specially trained to provide care to sexual assault patients. The SANE conducts medical forensic examinations and can serve as an expert witness in a court of law. If a victim decides to have a SANE exam, the victim can still choose whether or not to make a police report. Medical treatment and a forensic examination may aid in the preservation of relevant evidence.

#### *Ongoing Assistance*

The following resources are available for ongoing assistance, regardless of whether the victim chooses file a formal complaint, participate the formal resolution process, or a criminal process.

#### *The Rush Wellness Assistance Program*

(Powered by Perspectives, LTD)

833/304-3627

<https://insiderush.rush.edu/wellness>

#### *Resilience (formerly Rape Victim Advocates)*

180 N Michigan Ave., Suite 600

Chicago, IL 60601

312/443-9603

#### *RUMC Chaplaincy Services*

511A Kidston House

1653 W. Congress Parkway

Chicago, IL 60612

312/942-5826

#### *Rush Oak Park Spiritual Care*

520 S. Maple

Oak Park, IL 60304

708/660/5658

## **APPENDIX F: RECORDKEEPING**

The Title IX Coordinator will document each report and request for assistance in resolving a report and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

The Title IX Coordinator will be responsible for maintaining all official Rush records related to a report made under this Policy.

Records will be maintained for a period of no less than seven (7) years following the most recent finding of violation.

Rush will retain, as necessary, appropriate statistical information related to policy violations in order to comply with applicable aggregated reporting requirements under law.

### *Student Record Requests*

Numerous members of the Rush faculty and staff receive requests from students or former students to complete forms that include a request for information about student conduct records at Rush. These forms typically serve the following purposes: Transfer to another institution; Graduate/professional/law school admission; Admission to the Bar (by state); Security clearances for employment (typically federal), etc. Access and release of records of student conduct proceedings are governed by FERPA and other applicable privacy laws. Rush recognizes the shared interest of the greater community in the resolution of matters arising under this Policy.