
Chicago State University
Safer Campus Community
Staff Training



Trigger Warning

This training will cover topics that may trigger certain individuals.

If you are experiencing any discomfort, please contact the Title IX Coordinator, Carla Kupe, at (773) 995-3582 or the Director of the Counseling Center, Dr. Shenay Bridges-Carter, at (773) 995-2383.



Safer Campus Community Approach

As employees, we must comply with

- campus reporting,
 - investigation,
 - training,
 - education, and
 - outward reporting
- mandates of NCAA, Title IX, VAWA, and Clery.



Why Is This Training Important?

This training is required under different laws and mandates, including:

1. Title IX (federal law)
2. IL Governor's Office Executive Order 2018-02 (January 31, 2018)
3. Preventing Sexual Violence in Higher Education Act (110 ILCS 155)
4. NCAA (August 8, 2017)



Multi-Layer Regulatory System

Sexual or Sex-Based Harassment and/or Violence is regulated by institutional, municipal, state, and federal rules, regulations, and mandates.

As an employee at Chicago State University, a state institution, you must comply with all jurisdictional mandates. Any difference in definition is resolved by abiding by the stricter version, according to jurisdictional level.

If you have any questions about any of these applicable regulations, please contact Title IX Coordinator Carla Kupe (ckupe@csu.edu, x 2462) for clarification.



Title IX



What Does Title IX State?

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

20 U.S.C. §1681 et seq.



Protected Classes Under Title IX

- Sex
- Sexual orientation
- Gender identity



To What Does Title IX Apply?

- Student Admission and Recruitment
- Career Counseling/Guidance
- Financial Assistance
- Discipline
- Athletics (i.e. equal opportunities, accommodations, financial assistance, etc.)
- Employment
- Workplace
- Facilities
- Programming
- Training
- Classroom/Lecture Setting
- Pregnant and Parenting Students
- Sex-Based Harassment
- Sexual Harassment and Misconduct



CSU Policy Against Sexual Harassment & Misconduct



CSU Policy Statement

Chicago State University prohibits all sexual harassment, sexual misconduct, domestic violence, dating violence, sexual exploitation, and stalking. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff, and other community members.

Chicago State University does not condone or allow any of the above-mentioned conduct, whether engaged in by students, faculty or staff; by customers, vendors, or other non-employees, who conduct business with the University; or by campus visitors.

In response to every complaint, Chicago State University will promptly investigate, take appropriate corrective and preventive actions to eliminate the offending conduct and prevent its reoccurrence, and address its discriminatory effects on the complainant and others, if appropriate. When appropriate, Chicago State University will impose disciplinary action.



Who and What Does CSU Policy Cover?

- **All students and employees** of Chicago State University, as well as vendors and individuals or organizations operating events or programs on campus
- Applies to the Chicago State University's campus, **all properties owned or leased** by the University, and all off-campus sites at which students, faculty, or staff participate in University-sponsored activities and **may apply to off-campus, non-University related incidents** involving students or employees of the University
- **If the prohibited conduct occurs off campus, it is covered by this policy, IF the conduct has the effect of causing discrimination in the University's educational programs and activities on campus**
- Students must also comply with the CSU's Student Code of Conduct and employees must, in addition to this policy, comply with any and all Human Resource Department policies



General Contacts

- Title IX Coordinator (773) 995-2462
- Human Resources Office (773) 995-2040
- Academic Affairs/Office of the Provost (773) 995-2402
- Dean of Students Office (773) 995-2448
- Ethics Office (773) 995-2462
- Office of Executive Inspector General toll-free at (866) 814-1113
- Illinois Department of Human Rights at (312) 814-6200 (Chicago) or (217) 785-5100 (Springfield)



What Conduct is Prohibited at CSU?

- Sexual or Sex-Based Harassment
- Stalking
- Dating/Domestic Violence
- Sexual Exploitation
- Sexual Assault/Violence of any kind
- Recording and/or Disseminating Sexual Activity of Another Without Consent
- Filing a False Report
- Retaliating
- Obstructing/Hindering an Investigation
- Discouraging the Filing of a Good Faith Complaint



Attempt

Chicago State University deems the attempt to commit any of the these acts, assisting, or willfully encouraging others to engage in any such acts as a violation of this policy and will impose disciplinary action, if appropriate.



Consent

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How CSU Defines “Consent”



Consent is the act of **freely, actively, and willingly** agreeing to engage in sexual behavior.

Silence or non-communication does **not** constitute consent

Consent requires that a person be able to freely choose between two options: yes and no.



How CSU Defines “Consent”

A person in a state of diminished judgment or who is impaired or incapacitated by controlled substances or alcohol **cannot be considered to consent.**

- **Incapacitated by controlled substances or alcohol:** when he or she has passed out or blacked out or is otherwise unresponsive
- **Impaired by controlled substances or alcohol:** if the individual is unable to understand the fact, nature, or extent of the sexual activity
- Incapable of giving consent if she/he is **asleep, unconscious, or is otherwise unable to communicate** (i.e. impaired, incapacitated, etc.)
- No one who has been **threatened, coerced, or drugged** can be considered to consent
- A **current or prior sexual or dating relationship** does **not constitute consent**
- A person **can withdraw consent at any time** during the course of a sexual encounter
- The manner of attire of a person at the time of the incident does not constitute consent. (720 ILCS 5/11-1.70 (a)-(c))



How CSU Defines “Consent”

In the context of sexual activity, if the initiator of such activity does **not have a reasonable belief** that the receiving party has consented, he or she **must refrain** from such activity.

As such, Chicago State University holds the initiator of sexual activity responsible for knowing whether or not the other party is able or unable, for any reason, to give consent to the sexual act and for obtaining consent.



Sexual Harassment

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How CSU Defines Sexual Harassment

Sexual harassment is **unwelcomed sexual verbal, graphical, or physical conduct** that is **sufficiently severe, persistent, or pervasive** that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University's educational program or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Sexual Harassment **includes** unwelcomed sexual advances or requests for sexual favors, and other verbal or physical conduct of a sexual nature that is **unwanted, inappropriate, or without consent**.



How CSU Defines Sexual Harassment

The same general principles of unwelcomedness, severity or pervasiveness, reasonableness, and hostile working/learning environment that constitute sexual harassment **also apply to harassment based on sex, sexual orientation, and gender identity (actual or presumed), and any characteristic protected by law.**



How Illinois State Law Defines Sexual Harassment

“All persons have a right to work in an environment free from sexual harassment. All persons subject to this Act are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.”

5 ILCS 430/5-65(a)

Further, the Illinois Human Rights Act prohibits sexual harassment in State employment, as well as in many private employment settings. Under the Illinois Human Rights Act, it is a civil rights violation “[f]or any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment.”

75 ILCS 5/2-102(D)



How the Illinois State Officials and Employees Ethic Act Defines “Sexual Harassment”

“Sexual harassment” means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting said individual, or
3. such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

For purposes of this definition, the phrase “working environment” is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.

State Officials and Employees Ethics Act (“Ethics Act”), 5 ILCS 430/5-65(b)



How Chicago Municipal Law Defines Sexual Harassment

The Chicago Human Rights Ordinance prohibits sexual harassment in employment. Sexual harassment is a form of sex discrimination. A sexual harassment victim can be of the opposite sex or the same sex as the harasser.

Workplaces of all sizes are covered. In employment, sexual harassment is defined as any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision; or (3) such conduct substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.



How Chicago Municipal Law Defines Sexual Harassment

Employers may be held responsible for the sexually harassing conduct of supervisors and other agents. Employers can also be held responsible for sexual harassment by non-supervisory or non-managerial personnel if they were aware of the conduct but failed to take reasonable corrective action. In addition, harassers can be held individually liable for their own conduct.

Penalties for violations of the Human Rights Ordinance include

- Fines of \$100 to \$500 per incident, paid to the City.
- Damages and attorney fees, paid to the complaining party.
- An injunction ordering specific actions to eliminate discriminatory practices.



Examples of Sexual Harassment

- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion or grades;
- Direct, unwelcomed propositions of a sexual nature;
- A pattern of unwelcomed, persistent and unnecessary sexually explicit statements, questions, jokes, or anecdotes not related to employment duties, course content, research or other College programs or activities;
- Recurring remarks or gestures of a sexual nature about a person's clothing, body, sexual activity, sexual orientation, or gender identity, or previous sexual experience;
- Repeatedly using sexually degrading words, gestures or sounds to describe a person;
- Repeated invitations of a sexual nature, including but not limited to phone calls, texts (including "sexting"), or email messages, from someone though the recipient has clearly indicated that such communications are unwelcomed;
- Unwelcomed touching, patting, hugging, or brushing against a person's body;
- Physical or sexual misconduct.



Examples of Workplace Sexual Harassment

- Deliberate touching, leaning over, or cornering
- Referring to an adult as a "girl," "hunk," "doll," "babe," "honey," or other diminutive term
- Whistling at someone
- Turning work discussions to sexual topics
- Asking about sexual fantasies, preferences, or history
- Kissing sounds, howling, and smacking lips
- Telling lies or spreading rumors about a person's personal sex life
- Neck and/or shoulder massage
- Touching an employee's clothing, hair, or body
- Hanging around a person uninvited
- Hugging or kissing
- Patting, stroking, or pinching
- Touching or rubbing oneself sexually in the presence of another person
- Standing close to or brushing up against a person
- Looking a person up and down
- Sexually suggestive posters, cartoons, or magazines displayed in the workplace or shown to someone
- Playing sexually suggestive or graphic videos or music



Sexual Misconduct



How CSU Defines “Sexual Misconduct”

Sexual misconduct is a form of sexual harassment and refers to sexual offenses including but not limited to rape, sexual assault, sexual battery, sexual exploitation, sexual coercion, domestic violence, dating violence, stalking, and any other forms of **non-consensual** sexual activity.

Sexual misconduct can be committed by strangers, acquaintances, and family members, as well as casual and long-term dating partners.



Sexual Assault



How CSU Defines “Sexual Assault”

Sexual assault (which includes rape) is a form of sexual misconduct that includes **forcing or coercing an individual to engage in any non-consensual sexual contact or sexual penetration.**

Sexual assault includes, but is not limited to, attempted or unwanted sexual activity, such as sexual touching and fondling, including the touching of an unwilling person’s intimate parts (defined as genitalia, groin, breast or buttock, with or without clothing covering them), or forcing an unwilling person to touch another’s intimate parts.



How CSU Defines “Sexual Assault”

It also includes the sexual penetration of a person’s vagina, anus, or mouth by a body part of another person, mouth of another person, or an object without consent or by use of force

Examples of sexual penetration are:

1. vaginal or anal intercourse,
2. digital penetration, i.e. penetration with use of fingers or hand,
3. oral copulation, or
4. genital or anal penetration with a foreign object without consent



Sexual Exploitation

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How CSU Defines “Sexual Exploitation”

Sexual exploitation is a form of sexual misconduct that includes, but is not limited to, prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos, images or information of an individual’s sexual activity or intimate body parts, non-consensual voyeurism, coercing someone against their will to engage in sexual activity, or knowingly transmitting sexually transmitted disease (STD) without disclosing STD status



Dating/Domestic Violence

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How CSU Defines “Dating/Domestic Violence”

Dating violence or domestic violence is the **intimidation, harassment, physical abuse, sexual abuse, or interference with personal liberty** of any person who is a current or former spouse, intimate partner, domestic partner, dating partner, or member of one’s family or household.

Individuals encompassed in this definition include but are not limited to: persons who have **or have had** a dating or engagement relationship; persons who have **or have had** social relationship of a romantic or intimate nature; current or former spouses, domestic partners, parents, children, stepchildren and other persons related by blood or by current or prior marriage; persons who share or formerly shared a common dwelling (i.e. **dormitory roommates**); persons who have or allegedly have a child in common; persons who share or allegedly share relationship through a child; and personal assistants and personal caregivers for the elderly or disabled



Stalking



How CSU Defines “Stalking”

Stalking is a form of sexual misconduct that includes, but is not limited to, a **willful course of conduct** involving **repeated or continuing** harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the person to feel terrorized, frightened, intimidated, threatened, harassed or molested



How CSU Defines “Stalking”

Conduct that can amount to stalking may include any actions directed at another person—**whether direct or indirect**, or through others, or via devices, **electronic** means, and/or any other methods or means—including but not limited to:

1. following a person;
2. being or remaining in close proximity to a person in a manner that threatens or places the person in fear of being harmed or restrained;
3. entering or remaining on or near a person’s property, residence, or place of employment;
4. monitoring, observing, or conducting surveillance of a person;
5. threatening (directly or indirectly) a person;
6. interfering with or damaging a person’s property; or
7. engaging in other unwelcomed contact.



Retaliation Prohibited CSU Policy

Retaliation is **any adverse action taken** by any Chicago State University faculty, staff, or student body member against any individual on the basis of a report made by such individual, **or on the basis of such individual's participation in an investigation, hearing, or inquiry** by the University or any appropriate authority, or participation in a court proceeding relating to suspected wrongful conduct at the University.

Retaliation includes but is not limited to **harassment, threats of physical or other harm (i.e. blackmail), job termination, punitive work schedule or research assignments, decrease in pay or responsibilities, or negative impact on academic progress.**

Chicago State University does not tolerate retaliation against anyone who in good faith brings complaints to the attention of the University or participates in investigations of such complaints and will deem any such retaliatory act, or attempt thereof, as a violation of this policy.



Retaliation Prohibited Illinois Law

Retaliation against individuals who report sexual harassment or who participate in investigations and other proceedings is **strictly prohibited by the Ethics Act, the Human Rights Act, and the Whistleblower Act.**

Retaliatory action means reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any State employee that occurs in retaliation for an employee's involvement in these protected activities. These are examples of retaliatory conduct.

Under the Ethics Act, 5 ILCS 430/15-5 et seq., an officer, member, State employee, and/or State agency cannot take retaliatory action against a State employee who (1) reports allegations of sexual harassment, (2) provides information or testifies in connection with an investigation, hearing, or other inquiry, or (3) participates in a proceeding to enforce the Ethics Act. If retaliatory action occurs, the OEIG can investigate this matter and recommend discipline. An employee can also bring a lawsuit pursuant to the Ethics Act. Anyone who intentionally violates this prohibition on retaliation is guilty of a misdemeanor and is subject to discipline or discharge.

5 ILCS 430/50-5(a), (f).



Retaliation Prohibited Illinois Law

Under the Illinois Human Rights Act, it is a civil rights violation to retaliate against someone who “has opposed that which he or she reasonably and in good faith believes to be unlawful . . . sexual harassment in employment . . .” **775 ILCS 5/6-101(A)**.

Under the Illinois Whistleblower Act, 740 ILCS 174 et seq., “[a]n employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.” **740 ILCS 174/15(b)**.



Retaliation Prohibited Federal Law

- Institutions may not retaliate against any person for opposing an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX
- For a recipient to retaliate in any way is considered a violation of Title IX
- The [ED Title IX regulations](#) (Volume 34, Code of Federal Regulations, Part 106) provide additional information about the forms of discrimination prohibited by Title IX



Interfering Prohibited

Chicago State University considers interfering with or dissuading an individual from filing a good faith complaint a violation of this policy.



False Reporting Prohibited

It is a violation of CSU policy to knowingly bring false or malicious statements, or complaints of harassment or of retaliation.

Anyone who knowingly brings false charges will be subject to disciplinary action. The action of an individual who brings forth a complaint regarding false reporting shall not be considered an act of retaliation.

Malicious gossip about individuals with regard to harassment may irreparably affect the standing of a member of the College community and may be considered a violation of Chicago State University policies and codes.



Academic Freedom



Academic Freedom

Chicago State University has a profound commitment to the free expression of ideas, including those that are controversial or unpopular.

However, sexual harassment and other behaviors in violation of anti-discrimination laws are not legally protected forms of expression and may prevent some individuals from participating fully in the life of the academic community.

Such behavior in violation of this Policy is not protected by law or the policies of the University.



“Handling It Internally” Prohibited

- If an issue arises in your department, do not attempt to “handle the matter internally” → you must report the incident to the Title IX Office immediately
- “Handling it internally” is considered interfering under CSU policy and is deemed a violation



Don't Play Telephone

If you become aware of an incident, please report it immediately to the Title IX Office in order to preserve the privacy of the parties involved as best as possible



Reporting



Who Must Report?

Pursuant to Title IX, **all Chicago State University employees** are considered **“responsible employees”** and are required to report any instances of sexual harassment and/or misconduct that they observe or of which they learn to the Title IX Coordinator immediately, even if the individuals involved do not report it. **Failure to report may subject an employee to disciplinary action.**

Exempt CSU employees are: licensed mental health counselors employed by the University to provide counseling services in the Counseling Center, and the CSU Chaplain.

If a faculty or staff member has reason to believe that a student is about to disclose a reportable incident, said faculty or staff member should alert the student of their mandatory reporting responsibility while encouraging the student to proceed with the disclosure.



Who Is Considered a “Responsible Employee”?

According to Title IX, a "responsible employee" is an employee:

- Who has the authority to take action to redress sexual harassment/violence, **or**
- Who has been given the duty of reporting incidents of sexual harassment/violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee, **or**
- Someone who a student/employee could reasonably believe has either the authority or the duty listed above.



“Responsible Employee” at CSU

Chicago State University considers the following employees “responsible employees” under Title IX:

- all Public Safety and Police Services officers and employees,
- all Student Affairs staff, Human Resources staff, Veteran Resources staff,
- all Athletics and recreation staff,
- all academic advisors, faculty, instructors, graduate teaching assistants, **graduate students** that are supervising other students, and
- all Residential Life staff, including Residential Assistant **student-workers**



Reporting Duties As a “Responsible Employee”

It is considered **official notice** to the institution if a responsible employee **knew**, or in the exercise of reasonable care **should have known** about the harassment or misconduct.

This includes incidents that:

- (a) are reported directly to the employee,
- (b) are witnessed, or
- (c) overheard between other parties, or
- (d) are reported by a third party (parent, other student), posted on fliers around campus, published in a local newspaper, etc.

All of these should immediately be reported to the Title IX Coordinator.



Responsible Employee’s Prohibition to Assess Information

A Responsible Employee is prohibited from evaluating or assessing the accuracy or credibility of either the source of the information or the information about the incident itself.

Whether you consider the allegations a rumor is **irrelevant**. You must report it.



Responsible Employee's Prohibition to Assess Information

There is **no requirement** for the impacted party to make any **formal or written complaint** before you are to report.

Your duty to report is **compulsory!**

As soon as you hear or are told of an incident, whether directly from the person who experienced the harassment or sexual misconduct or through other parties, you must report it to the Title IX Coordinator.



What To Report?

Employees must report everything they know as soon as they are made aware of the situation.

This includes but is not limited to the name of the complainant, the name of the respondent, dates, times, and specifics of the incident.



Responsible Employees ≠ Confidentiality

- Responsible Employees are **not** a confidential resource
- If an incident is reported to them, they cannot withhold the identity of the reporter or the parties involved in the incident



Confidentiality

Responsible Employees should explain to the student/employee that **they are not a confidential resource** before a student/employee reveals something that they may want to keep confidential.

If a person begins talking about the incident(s) with no warning, **interrupt immediately (but nicely)** and inform them that the conversation cannot be considered confidential.

Assure them that you want to be supportive, but if they do not want the incident(s) to potentially be reported then they should make an appointment with a confidential advisor. In emergency situations, where a person's health or safety is in immediate danger, call 911.



Report to Title IX & Other CSU Staff

If you believe you witnessed or have been made aware of an incident, please report it immediately to the **Title IX Coordinator at (773) 995-2462**.

You may also report to the following CSU staff members:

- Human Resources Department – (773) 995-2040
- Office of the Provost/Academic Affairs – (773) 995-2411
- Residential Life Director - (773) 995-2002
- Department of Student Affairs - (773) 995-2448



Other CSU Contacts

When the parties involved are CSU staff/employees, you can also report any incidents to:

1. Your supervisor, or
2. CSU's Ethics Officer - (773) 995-2462



Law Enforcement



You can report to campus or local law enforcement, especially for serious incidents such as rape.

Chicago State University Police Department: (773) 995-2111

Chicago Police Department: 911



Anonymous Reporting

If you are concerned about revealing your identity, you have the option of **reporting anonymously** by:

- Calling anonymously CSU **24-hour hotline** (773) 821-2882 (voicemail), or
- Filling out an online form on **CSU Title IX Webpage** <https://www.csu.edu/legalcounsel/titleixonlineform.htm>



Types of Complaints

A Complainant can file any of the following complaints:

- A criminal complaint (with law enforcement),
- A Title IX complaint (with the University),
- A complaint with the Illinois Office of Executive Inspector General, and/or
- A complaint with the Illinois Department of Human Rights



Criminal Complaint

- The first step is to file report with law enforcement
- The incident will then be investigated by the entity
- Charges will be filed with the court system which initiates criminal proceedings against the accused
- In most cases, the complainant's participation is needed to proceed criminally



Title IX Process

- Pursuing a Title IX is an administrative (not legal) process
- A report to the Title IX Coordinator does not necessarily lead to a full investigation and/or a complaint resolution procedure
- A complainant may express their want not to proceed with a formal complaint and/or an investigation
- However, the Coordinator will make an assessment to determine whether any overriding risks to the impacted party and/or the community exist.
 - The Title IX Coordinator has the authority to proceed with an investigation without the impacted party's participation



Title IX Investigation Process

1. Initial Intake Meeting
2. Complainant Interview
3. Respondent Interview
4. Witness Interview
5. Document Review
6. Report/Recommended Finding
7. Report Review by Parties
8. Finding Determination and Sanctions by Judicial Affairs (student), Provost (faculty), HR (staff)



Title IX Investigation Process

- After an incident has been brought to the attention of the Title IX Coordinator, she/he reaches out to the impacted party within 24 hours for an interview
- During the interview the Title IX Coordinator asks the person
 - Whether and what kind(s) complaint(s) the person wants to file
 - What exactly happened
 - Whether the person can provide the identity of witnesses
 - Whether the person has any other evidence (i.e. reports, screenshots, pictures, etc.)
 - Whether the person needs any interim measures (i.e. switch into a different class, get a different work-study assignment, etc.)
- The Title IX Coordinator will inform the person of support resources and her/his rights throughout the process



Title IX Investigation Process

- The second step is the Respondent/Impacting Party's Interview
- During the interview the Title IX Coordinator:
 - Explains the allegations brought against the individual
 - Asks the party to respond to those allegations and render their account of the incident
 - Asks the party whether she/he can provide the identity of witnesses
 - Asks the party whether she/he has any other evidence (i.e. reports, screenshots, pictures, etc.)
 - Asks the party whether she/he needs any interim measures (i.e. switch into a different class, get a different work-study assignment, etc.)
- The Title IX Coordinator will inform the person of support resources and her/his rights throughout the process



Title IX Investigation Process

- The third step are the Witness Interview(s)
- After meeting with the parties involved, the Title IX Coordinator will interview relevant witnesses, regardless of how they were identified
- The Title IX Coordinator is not mandated to interview every identified witness and will, in most cases, only interview individuals who were close in place, time, or substance in relation to the incident
- The Title IX Coordinator may interview individuals not identified by either party where warranted



Title IX Investigation Process

- The fourth step is the Investigation Report, which the Title IX Coordinator drafts after meeting with the parties involved and any relevant witnesses as well as reviewing any other evidence
- The Report will contain
 - How the incident was referred to the Title IX Coordinator
 - A summary of the allegations
 - A summary of each of the interviews
 - A summary of other evidence the Title IX Coordinator reviewed
 - An analysis of all the interviews and evidence collected to determine whether there was a violation of CSU's policy by the Respondent
 - A credibility assessment of the parties
 - A recommended finding of either "responsible" or "not responsible" using the "preponderance of the evidence" standard



Title IX Investigation Process Standard of Proof

“Preponderance of the evidence” means that it is more likely true than not that the incident occurred the way the Complaint alleges.



Title IX Investigation Process

- The fifth step is the Investigation Report Review by the parties
- The Title IX Coordinator will provide the parties involved with a copy of the Report simultaneously and ask each party to review it and point out any misstatements/misinterpretations by the author/investigator in **THEIR OWN** interview summary → the parties cannot amend or add to their interview summary (i.e. “flesh out” or to respond to issues raised in the other individuals’ interview summaries after having seen them)



Title IX Investigation Process

- The Title IX Coordinator’s finding is a **recommended** finding and therefore **not final**
- If the Title IX Coordinator recommends a finding of “responsible,” the investigation report and evidence are referred to the department on campus who has adjudicating authority over the Respondent
 - If the Respondent is a **faculty member**, the matter is referred to the **Office of the Provost**,
 - If the Respondent is a **non-faculty staff member**, the matter is referred to **Human Resources**,
 - If the Respondent is a **student**, the matter is referred to a **Review Panel** comprised of faculty, staff, and grad students trained to review Title IX matters



Title IX Investigation Process

If the Respondent is a student and a finding of “responsible” is determined, possible sanctions can include one or more of the following:

- Disciplinary warning/Letter of reprimand;
- Work Assignment/Community Service;
- Fines: A sum imposed as punishment for an offense. The amount of the fine may not be less than \$5.00 or more than \$100.00;
- Behavioral training (i.e. anger management, etc.)
- Restitution;
- Probation;
- Suspension;
- Suspension from Residence Hall; or
- Expulsion



Title IX Investigation Process

If the Respondent is an employee and deemed to have violated this policy, possible sanctions can include and are not limited to one or more of the following:

- Remedial training/education,
- Suspension (with/without pay),
- Termination



Title IX Investigation Process Parties' Rights

From the beginning and throughout the Title IX Process, **BOTH** parties have the right to the following:

1. Right to a fair, unbiased, and neutral investigation
2. Right to a faculty/staff advisor of their choice
3. Right to support resources
4. Right to receive updates and findings
5. Right to be free from retaliation
6. Right to present evidence and witnesses
7. Right to be notified of the outcome
8. Right to appeal finding and/or sanction
9. Witness' Right to amnesty (**if** conduct was not egregious)



Title IX Investigation Process Interim Measures

In order to stop the prohibited conduct and prevent it from occurring again, interim measures may be put in place and may include, but not exclusively, the following:

- Changes to class schedule/class assignment
- Changes to living situation/removal from dormitory
- Excused absences
- Changes in shifts/work assignment
- Campus No Contact Order (automatic pending the investigation)
- Obtaining Order of Protection from state court



Title IX Investigation Process Complaint Resolution Advisor

A complainant may ask you to be their advisor through the Title IX investigation and complaint resolution process. Your role of advisor is strictly as support. You do not “represent” the student as would be the case in an actual legal matter. If you are a witness to the incident, you may **not** serve as advisor.

As an employee, you may elect your union representative to act as your advisor if you are participating in a Title IX complaint resolution process.



Office of Executive Inspector General Complaint

A complaint may be filed with the OEIG in writing, preferably on an OEIG complaint form, or orally.
A complaint may be filed with the OEIG by:

1. Completing a form online at <http://www.inspectorgeneral.illinois.gov>;
2. Calling the Office's toll-free hotline at (866) 814-1113;
3. Mailing a completed complaint form to: Office of Executive Inspector General for the Agencies of the Illinois Governor, Attention Complaint Division, 69 West Washington Street, Suite 3400, Chicago, Illinois 60602;
4. Faxing a completed complaint form to (312) 814-5479;
5. Contacting the Office by telecommunications device for the disabled (TTY) at (888) 261-2734; or
6. Scheduling an appointment with the Office at its Springfield or Chicago locations.

The OEIG may accept complaints that are filed anonymously. Anyone filing a complaint must provide sufficient detail about the allegation in order for an investigation to be initiated.

Pursuant to the Ethics Act, "[t]he identity of any individual providing information or reporting any possible or alleged misconduct to an Executive Inspector General or the Executive Ethics Commission shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law." 5 ILCS 430/20-90



Illinois Department of Human Rights Complaint

- One of IDHR's important roles is to investigate charges of discrimination, including allegations of sexual harassment in employment.
- After the investigation, IDHR prepares a written report with a recommendation on whether or not there is "substantial evidence" of a violation of the Illinois Human Rights Act. IDHR does not make a credibility determination when there is conflicting evidence.
- A finding of "substantial evidence" means that there is enough evidence to take the case before an administrative law judge at the Illinois Human Rights Commission ("IHRC"), a separate State agency that conducts public hearings. During this process, IDHR facilitates opportunities to resolve the allegation through settlement, such as in mediation.
- After IDHR issues its finding, a complainant may file a lawsuit in civil court, or if a finding of "substantial evidence" is made, file a complaint with the HRC. That forum (either the HRC or the circuit court) will hear testimony, receive evidence, and determine whether unlawful discrimination or harassment occurred.



Illinois Department of Human Rights Complaint

This process through IDHR and IHRC, or through IDHR and a court, may take several years. It is a public process – an employee who chooses to pursue this option may not do so anonymously – and it requires involvement by the person who filed the complaint. Some individuals who pursue their complaints through the IDHR process and HRC, or a court, choose to seek the assistance of an attorney, while others proceed without an attorney.



Illinois Department of Human Rights Complaint

- The process begins by filing a “charge” (or a report of an allegation) to IDHR **within 300 days of the alleged incident**. (in person or in writing by mail or fax, www.illinois.gov/dhr/FilingCharge/Pages/Intake.aspx.)

- IDHR Offices

Chicago

100 W. Randolph St.
Suite 10-100
Chicago, IL 60601
312-814-6200
866-740-3953 (TTY)

Springfield

222 South College Street
Room 101A
Springfield, IL 62704
217-785-5100
866-740-3953 (TTY)

Marion

2309 W. Main St.
Marion, IL 62959
618-993-7463
866-740-3953 (TTY)



Illinois Department of Human Rights Complaint Remedies

- Remedies may include back pay, lost benefits, clearing of a personnel file, emotional damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney's fees and costs.
- Punitive damages, or damages intended to punish the harasser or the employer, are not available under the Illinois Human Rights Act.



Illinois Department of Human Rights Complaint Penalties

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



Illinois Department of Human Rights Complaint Penalties (cont'd)

- **False Report**
 - The Executive Ethics Commission (“EEC”) may levy a fine of up to \$5,000 against any person who intentionally makes a false, frivolous, or bad faith allegation. 5 ILCS 430/50-5(e)
 - Any person who intentionally makes a false report alleging sexual harassment to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a misdemeanor. See 5 ILCS 430/50-5(d)
- **Obstructing, Interfering, or Failing to Cooperate**
 - The EEC may levy a fine of up to \$5,000 against any person who intentionally obstructs or interferes with an investigation conducted under the Ethics Act by the OEIG. See 5 ILCS 430/50-5(e)
 - Failure to cooperate with an investigation conducted under the Ethics Act by the OEIG, including intentional omissions and knowing false statements, is grounds for disciplinary action, including dismissal. See 5 ILCS 430/20-70



Where to Go For Immediate Care

CSU Wellness/Health Center
Chicago State University
ADM 131
(773) 995-2010

Roseland Community Hospital
45 West 111th Street
Chicago, IL 60628
(773) 955-3000

Advocate Trinity Hospital
2320 E. 93rd Street
Chicago, IL 60617
(773) 967-2000



Who To Talk To for Support

Counselor/Confidential Advisor

- You have a right to have a “confidential advisor” to provide you with emergency and ongoing support
- **At CSU those confidential advisors are Counseling Center staff and our CSU chaplain**
- These individuals cannot be “responsible employees” under Title IX
- While confidential advisors cannot disclose any parties’ identity or any other fact in regards to the incident or treatment sought by either party, they are required to notify Title IX that an incident occurred for purposes of Title IX reporting mandates



Counseling



CSU Counseling Center
SUB 190
(773) 995-2383

Students receive free counseling at CSU’s Counseling Center. Employees can seek referrals, resources, and other support information at the Counseling Center. The Counseling Center is open Mondays, Tuesdays, Wednesdays, and Fridays from 9 a.m. to 5 p.m. and Thursdays from 9 a.m. to 7 p.m. Walk-in hours are Mondays and Thursdays from 12 p.m. to 2 p.m. It is recommended to call or walk in to make an appointment with one of the therapist. For more information including online screenings, visit www.csu.edu/dosa/counseling/.



CSU Resources & Support

Chaplain (Confidential)

Minister Corrine Grant
DH-Suite A
(773) 995-3869

Women's Resource Center

SUB 203
(773) 995-3544

Wellness/Health Center

ADM 131
(773) 995-2010

African-American Male Resource Center

SUB 150
(773) 995-3876

CSU Counseling Center (Confidential)

SUB 190
(773) 995-2383



Questions?

Carla M. Kupe, Esq.

Assistant General Counsel & Title IX Coordinator
(773) 995-3582

<https://www.csu.edu/legalcounsel/titleIX.htm>

Dr. Shenay Bridges-Carter

Director of Abilities Office, Counseling Center, &
Women's Resource Center
(773) 995-2383

