

**Policy Title:** Policy Against Discrimination, Harassment, and Retaliation

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**Division Responsible for Policy:** Student Engagement

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**Minority Impact Statement:** This policy does not have any disproportionate or unique impact on North Park's students or employees who identify as a minority.

**Who Should Read the Policy:** All students, administrators, faculty, and staff members.

**Policy review cycle:** Annually

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## **A. INTRODUCTION**

### **Statement Of Nondiscrimination**

North Park University (“North Park”) is committed to fostering an environment that is secure and free from discrimination and harassment.

North Park does not discriminate and prohibits discrimination against any individual based on any category protected under applicable federal, state, or local laws.

Accordingly, North Park does not discriminate, and strictly prohibits unlawful discrimination on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, shared ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, or any other category or characteristic protected by applicable law. These are known as protected categories or characteristics under this Policy. When brought to the attention of North Park any such discrimination will be appropriately addressed by North Park according to the procedures below and any applicable collective bargaining agreement.

### **Sex Discrimination is Prohibited**

North Park does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities on the basis of sex. As a recipient of federal financial assistance for education activities, North Park is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex. At North Park, discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or related conditions.

North Park also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process, whether internal or external to the institution.

### **Pregnancy and Related Conditions**

North Park prohibits discrimination on the basis of pregnancy and related conditions. Pregnancy and related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

North Park has obligations under Title IX and other state and federal laws to provide certain supportive measures and modifications to students and employees experiencing pregnancy or related conditions in

order to ensure their equal access to North Park's education programs or activities. For example, North Park must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information. Employees or applicants should also contact the Human Resources (HR) office for more information, because additional workplace laws and policies apply.

#### Application of Section 504/Americans with Disabilities Act to this Policy

In both practice and policy, North Park adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. North Park is committed to providing individuals with disabilities equal access and opportunity and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of North Park's living, learning, and working environment.

Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point relating to the implementation of this policy, including making a disclosure or report, and initiating a grievance procedure. Accommodations will be granted if they are appropriate and do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other North Park programs and activities. With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Office of Disability & Access Services for students and Human Resources and the respective manager for employee accommodations to ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this policy.

#### Purpose of This Policy

This policy identifies and defines conduct prohibited under this policy, the procedures for reporting harassment and discrimination, and the process that will be used to respond to allegations of Prohibited Conduct.

North Park will act on all notices of allegations of discrimination, harassment, or retaliation. It will take necessary measures to end conduct that is in violation of this Policy, prevent its recurrence, and remedy its effect on individuals and the community. Within any process related to this Policy, North Park provides reasonable accommodations to people with disabilities and reasonable religious accommodations, when that accommodation is consistent with Illinois and federal law. Situations involving other conduct that may be in violation of other North Park student or employee conduct policies should be reported to the Dean of Students for matters involving students or Human Resources for employees.

### To Whom This Policy Applies

This Policy applies to the entire North Park community, including, but not limited to, students, student organizations, faculty, administrators, trustees, and staff, whether on or off campus, and third parties such as guests, interns, visitors, volunteers, vendors, invitees, and alumni when they are on campus or participating in North Park-sponsored activities.

### Employees and students are required to cooperate and participate in these Resolution Procedures.

This policy may also pertain to instances in which the conduct occurred outside of the campus or North Park-sponsored activity, if North Park determines that the off-campus conduct affects a substantial North Park interest, including access to the educational program, employment or activity, safety and security, compliance with applicable law, and meeting its educational mission. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational or employment opportunities and/or benefits of any member of North Park community based on sex is in violation of this Policy.

This Policy applies to all students and employees. This Policy also applies to all other individuals participating in or benefitting from North Park programs or activities, including North Park-sponsored events that take place off-campus.

Members of the North Park community are expected to provide truthful information in any report, meeting, or proceeding under this policy.

Any respondent who is not a North Park student, administrator, trustee, faculty member, or staff member is generally considered a third party. North Park's ability to take appropriate corrective action against a third party is limited and will depend on the nature of the third party's relationship, if any, to North Park. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office. The status of a party may impact which resources and remedies are available to them, as described in this Policy.

North Park will track any trends or patterns. Anonymous reports or unidentified individuals impede the ability of North Park to respond or take any action. North Park will preserve reporting data providing there is enough information about the type of behavior and/or location to track for informational purposes.

### North Park's Response When No Respondents Are Known or Identified

If the Respondent is unknown or is not otherwise subject to sanctions imposed by the University, the University will offer the Complainant supportive measures, remedies, and resources, such as, identifying appropriate campus and local resources and support options or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report. Although the University may not, in certain instances, be in a position to conduct an investigation, it may provide appropriate resources or support to impacted individuals and where appropriate, the broader the campus community. The University may investigate allegations that relate to University policy or practices, including where

there is not an identified respondent. The University may also investigate allegations of Non-Title IX Discrimination and Non-Title IX Discriminatory Harassment without an identified respondent in order to make an assessment about hostile environment and provide appropriate remedies to impacted people.

### What is Prohibited by The Policy

The Policy prohibits Discrimination, Harassment (including sexual harassment and sexual and interpersonal violence), and Retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this policy. The first type of Prohibited Conduct defined is Title IX Prohibited Conduct. All Prohibited Conduct that is not Title IX Prohibited Conduct may be referred to as Non-Title IX Prohibited Conduct.

### Title IX Prohibited Conduct

Conduct on the basis of sex that satisfies one or more of the following and meets the jurisdictional requirements described below:

- a. Title IX Quid Pro Quo Sexual Harassment. When a supervisor or another individual in a position of power conditions the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct
- b. Title IX 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 equal access to the university's education or employment program or activity.
- c. Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation, as defined below and meeting the Title IX jurisdictional requirements described here.

Conduct meeting these definitions must occur within the University's education program or activity and inside the United States to constitute Title IX Prohibited Conduct. The University's program or activity includes (1) any on-campus premises of the University; (2) any off-campus premises over which the University has substantial control; (3) off-campus activities that are part of an University program, including field trips and sanctioned events; and (4) activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University's programs and activities over which the University has substantial control.

### Non-Title IX Prohibited Conduct

#### Discrimination

Discrimination is defined as an unfavorable action taken because of an individual's actual or perceived membership in a protected category, or as having a policy or practice that adversely impacts the members of one protected category more than others. An unfavorable action is adverse or unequal treatment under University authority that materially interferes with an individual's ability to participate in programs, activities, or employment of the University, and/or receive services, benefits, or aid of the University, unless required or authorized by law. An unfavorable action must be taken because of an individual's actual or perceived protected category to constitute Discrimination under this Policy. If the action or inaction would



have been taken regardless of an individual's protected category, then it does not constitute an unfavorable action under this Policy.

**Discrimination** is defined as:

- (1) unfavorable action taken against members of a protected category under University authority;
- (2) because of their actual or perceived membership in that category; and
- (3) not under circumstances when the action or inaction would have been taken regardless of an individual's protected category.

Unfavorable action under University authority is defined as adverse or unequal action that materially interferes with an individual's ability to participate in programs, activities, or employment of the University, and/or receive services, benefits, or aid of the University, unless required or authorized by law. An unfavorable action must be taken because of an individual's actual or perceived protected category to constitute Discrimination under this Policy. If the action or inaction would have been taken regardless of an individual's protected category, then it does not constitute an unfavorable action under this Policy. Under university authority means that the action was taken by an employee, student leader, or third party designated by the University to provide services, benefits, aid, or other access to University programs, activities, or employment.

Evidence of different treatment may include comparators to similarly situated employees or students that are not members of that protected category. Other evidence that the unfavorable action was motivated by discrimination may be gathered or submitted in the absence of comparative evidence.

**Disparate Impact Discrimination:**

Having a policy or practice that adversely impacts the members of one protected category more than others.

*Discriminatory Harassment*

Discriminatory Harassment is unwelcome non-verbal or physical, verbal, or online conduct where such conduct is based on actual or perceived membership in a protected category, and is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile, or offensive environment and would have such an effect on a reasonable person. For discriminatory harassment based on sex, gender, gender identity or expression, and sexual orientation, please see Hostile Environment Sex-Based Harassment below.

Phone calls, text messages, emails, and social media usage can create or contribute to a hostile working, learning, or campus living environment or otherwise constitute Discriminatory Harassment, even if the communications occur away from campus.

Each reported incident of alleged speech or conduct will be assessed on a case-by-case basis. The University will determine whether alleged speech or conduct constitutes discrimination or discriminatory harassment, including by creating or contributing to a hostile environment, by considering the totality of the circumstances surrounding an alleged incident or course of conduct. The University will consider all relevant objective and subjective factors in making its determination. The presence or absence of no single factor will be dispositive in the office's determination.

Objective factors are those that indicate whether a reasonable person would find the alleged speech or conduct to meet the definition of discrimination or discriminatory harassment. Subjective factors relate to how the complainant actually perceived the alleged speech or conduct and whether the complainant perceived the alleged speech or conduct to be discriminatory or harassing. The offensiveness of a particular expression as perceived by a complainant, standing alone, is not a sufficient basis to create a hostile environment. Reports of prohibited conduct will be evaluated from the perspective of the complainant and from the perspective of a reasonable person in the complainant's position, considering all the circumstances.

In responding to reports concerning speech or conduct regarding a country's policies or practices, the University will consider whether such speech or conduct is an exercise of academic freedom and inquiry.

The factors the University will consider when assessing whether speech or conduct constitutes discrimination or discriminatory harassment may include, but are not limited to, the following:

- The nature and severity of the alleged speech or conduct. Alleged speech or conduct that involves words or symbols that are generally understood to express hatred of, or calls for violence against, one or more groups or individuals based on their protected categories are more likely to constitute discrimination and discriminatory harassment. For example, racially charged epithets, language suggesting that protected class members or associates should be harmed or killed, etc.
- Whether the alleged speech or conduct was intended and/or likely to incite violence, discrimination, or discriminatory harassment, or to create or contribute to a hostile environment.
- The frequency, duration, and location of the alleged speech or conduct, and the identity, number, and relationships of the persons involved. For instance, words that might not constitute discriminatory harassment if used by a student as part of a classroom discussion could constitute discriminatory harassment if shouted repeatedly by a student or group of students at one of their peers.
- Whether the alleged speech or conduct was directed at an identifiable individual or group of individuals. In the case of allegations of discriminatory and/or harassing speech or conduct on social media, the University will consider whether a post mentions, tags, or links to specific individual(s) or their social media accounts. The University is more likely to find that such alleged speech or conduct, whether in person or on social media, constitutes discrimination or discriminatory harassment when it is directed at an individual or group of individuals than when it is not.

- Whether the respondent was aware that the alleged speech or conduct took place in the midst of, created, or contributed to a hostile environment in any of the university's activities or programs or at the university as a whole. For instance, in evaluating a report of alleged speech or conduct that may constitute discriminatory harassment, the University will consider whether the respondent was aware that similar speech or conduct recently occurred.
- Whether the complainant had any alternative to being subjected to the alleged speech or conduct. For instance, the University will consider whether the alleged speech or conduct took place in a location the complainant had to enter or pass by in order to access any of the university's programs and activities and whether the complainant could have chosen to avoid the alleged speech or conduct without detriment to the complainant's ability to access any university programs or activities.
- Whether there is any difference in status/authority between the respondent and the complainant.
- Whether the alleged speech or conduct otherwise impeded or limited the complainant's participation in or ability to benefit from any university program or activity.
- Whether the alleged speech or conduct, even if offensive, constitutes an expression of opinion on political, social, or similar topics. The University will not determine that alleged speech or conduct constitutes discrimination or discriminatory harassment solely because it may be considered offensive.
- Whether the alleged speech or conduct, even if offensive, constitutes an exercise of academic freedom on the part of a respondent.

*Quid pro quo harassment:* An employee, agent, or other person authorized by North Park to provide aid, benefit, or service under North Park's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

*Hostile environment sex-based harassment:* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from North Park's education program or activity (i.e., creates a hostile environment). Sex-based harassment need not be sexual in nature and is on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Whether a hostile environment has been created by sex-based harassment is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant's ability to access North Park's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within North Park's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in North Park's education program or activity.

Additional sexual harassment definitions and examples as provided in Illinois' State workplace laws.

- Verbal: Sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act, or actual assault.
- Textual/Electronic: "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

*Sexual assault:* an offense classified as a forcible or nonforcible sex offense under the Uniform Crime Reporting System of the Federal Bureau of Investigation. Specifically, this includes:

- Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Sexual contact – The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.
- Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

*Dating violence:* physical violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the people involved in the relationship.

*Domestic violence:* felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of North Park, or a person similarly situated to a spouse of the victim;

- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

*Stalking:* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

*Sexual Coercion:* The application of unreasonable pressure, including emotionally or physically manipulative actions or statements, or direct or implied threats, in order to compel the person to engage in sexual activity.

*Sexual Exploitation* is the abuse or exploitation of another person's sexuality without consent, for the perpetrator's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Sexual Exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person, whether such images are authentic or enhanced or created by technology; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.

*Retaliation* is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by North Park, a student, or an employee or other person authorized by North Park to provide aid, benefit, or service under North Park's education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation or proceeding, and to any student or employee who refuses to participate or cooperate in an investigation or proceeding.

Retaliation may occur even where there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation. Report retaliation in the same manner one would report a Prohibited Conduct.

#### Designation of Duties Under This Policy

Obligations in this policy assigned to a particular title, such as the Title IX Coordinator or the EO Coordinator, may be designated as appropriate by North Park, including external professionals.

### Academic Freedom

North Park is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth. This Policy and procedures are not intended to inhibit or restrict free expression or exchange of ideas, abridge academic freedom, or prohibit educational content or discussions inside or outside of the classroom that includes germane, but controversial or sensitive subject matters protected by academic freedom.

Members of North Park community are free to express their views on any academic subject — regardless of whether those viewpoints are provocative or controversial. Before proceeding with or continuing an investigation of any report of harassment or retaliation that involves an individual's speech or other communication, North Park will take care to distinguish between protected speech and hostile environment harassment. The Title IX Coordinator will take action as needed to restore or preserve a person's access to North Park's education program or activity.

### Equity (EO) and Title IX Team

North Park is committed to promoting a diverse, equitable, and inclusive working and learning environment free from discrimination and harassment. The Title IX Coordinator and EO Coordinator are charged with monitoring compliance with the applicable nondiscrimination laws; providing education and training; and coordinating North Park's response, investigation, and resolution of all reports of Prohibited Conduct under this policy. The Coordinators act with independence and authority and oversee all resolutions under this policy free from bias and conflicts of interest. The Coordinators are available to meet with any Student, Employee, or other individual to discuss this policy or the accompanying procedures and can be contacted at:

#### **Elizabeth Fedec, M.M.**

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Elizabeth manages reports against students.

#### **Frank K. Hattula, M.S.Ed., MHRM, SPHR, SHRM-SCP**

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Frank manages reports against employees.

The Title IX Coordinator manages the EO and Title IX Team. The EO and Title IX Team is comprised of the Title IX Coordinator, the Senior Director of Human Resources, Deputy Title IX Coordinators, Case Managers, including external consultants.

#### Conflicts of Interest or Bias

Any individual carrying out any part of this policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Vice President for Student Engagement who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any Investigator, Decision-Maker, Hearing Officer or Appeals Officer have a conflict of interest, the Investigator, Decision-Maker, Hearing Officer or Appeals Officer is to notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This policy will note where parties have the opportunity to challenge the participation of any individual implementing this policy based on actual conflict of interest or demonstrated bias.

#### Crime and Incident Disclosure Obligations

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that North Park report the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, that occur in particular campus-related locations. The Clery Act also requires North Park to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, North Park will ensure that a complainant's name and other identifying information is not disclosed. The Title IX Coordinator will refer information to the Clery Officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

### **B. REPORTING HARASSMENT AND DISCRIMINATION**

#### Employee Reporting Obligations

North Park believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of harassment or discrimination. Thus, North Park expects all employees, with limited exceptions as identified by North Park, to promptly report any incidents of harassment or discrimination to either the Title IX Coordinator or EO Coordinator. As required under federal law, incidents of sex discrimination, including sexual harassment are required to be reported to the Title IX Coordinator. All other reports of harassment and discrimination are encouraged.

If an employee in a supervisory capacity has direct knowledge of an incident of harassment or discrimination, regardless of type, they are required to bring the matter to the attention of the Senior Director of Human Resources.

If the Title IX Coordinator or any employee with the authority to institute corrective measures on behalf of the University has knowledge about Title IX Prohibited Conduct, then the University is considered to have actual knowledge of the report and will respond in accordance with this policy.

North Park also encourages employees who themselves experience harassment, discrimination, sex-based harassment and sexual and interpersonal violence to bring their concerns to the Senior Director of Human Resources, though they are not required to do so. Individuals can report concerns of discrimination or harassment by completing the Bias, Discrimination, or Harassment Incident Report Form online.

When providing this information to the EO and Title IX Team, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of individuals involved and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with FERPA.<sup>1</sup>

In addition, certain employees of North Park are considered by law to be mandatory reporters of child abuse, elder abuse or abuse of persons with disabilities. These North Park employees are required by law to report incidents of abuse per the Illinois reporting requirements. Every University staff member, including faculty, other academic appointee, postdoctoral researcher, staff, student employee, and volunteer who has a reasonable basis to believe a child known in their official capacity has been abused or neglected must immediately report to IDCFS Child Abuse Online Reporting System here (<https://childabuse.illinois.gov/>). If the abuse or neglect requires immediate action, you must call the Child Abuse and Neglect Hotline at 1.800.25. ABUSE (800-252-2873). This hotline is staffed 24 hours a day, 365 days a year.

#### How to Make a Report to North Park

Report online by completing a ***Bias, Discrimination, Harassment, Incident Report Form*** [here](#).

All reports of violations of this policy will be taken seriously and in good faith.

The EO and Title IX Team will provide information and guidance regarding how to file a formal complaint with North Park and/or to file a report local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the report

At the time of filing a formal complaint of Title IX Prohibited Conduct, a complainant must be participating in or attempting to participate in the University's education program or activity.

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<sup>1</sup> The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. See at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>



Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, North Park will give consideration to the party, bringing forward a report with respect to how the matter is pursued. North Park may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that North Park not initiate an investigation.

Employees, students, guests, or visitors who believe that this policy has been violated should promptly contact the EO and Title IX Team or another member of the Title IX Office as follows:

There is no timeline for making a report of harassment or discrimination. North Park encourages the prompt reporting of concerns. The ability of North Park to pursue the report to a conclusion may be hindered by the passage of time and/or federal, state and city laws or ordinances. North Park will address any systemic concerns that arise from the original report.

#### Amnesty

A student making a report to the EO and Title IX Team may be eligible for Amnesty for drug or alcohol related violations of the Undergraduate Student Handbook or other applicable policies or handbooks that occurred on or around the same time as the incident or that was in connection with the incident.

#### Privacy and Confidentiality

North Park values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.

References made to privacy mean North Park offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the EO and Title IX Team, who is responsible for tracking patterns and spotting systemic issues. North Park will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While North Park will take all reasonable steps to protect the privacy of individuals involved in a report, it may be necessary to disclose some information to individuals or offices on campus in order to address a report or provide for the physical safety of an individual or the campus. Thus, North Park cannot, and does not, guarantee that all information related to reports will be kept confidential.

In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this policy will be provided only by a secure method determined by the individual circumstances. Parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this policy. Parties may request to review a

hard copy of materials, and North Park will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation and result in disciplinary action up to and including separation.

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., individuals who are licensed and employed to provide mental health care providers, physicians, pastors, and clergy services) may not report to EO and Title IX Team any identifying information about conduct that may violate North Park's policies against harassment and discrimination without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the EO and Title IX Team or initiate any process under this policy.

North Park employs two types of employees who are not required to report information about sex discrimination to the Title IX Coordinator:

- Privileged and confidential employees whose communications are privileged or confidential under Federal or State law. The employee must be hired for and functioning within the scope of their duties to which the privilege or confidentiality applies. For example, physicians, clergy, pastors, and mental health counselors are considered confidential employees if they are hired by North Park to provide those serves as their primary job function. Disclosures made to these employees means that information cannot be disclosed to anyone internal or external to the university without the expressed permission from the individual disclosing the information.

For example, North Park has a Seminary on campus. Individuals enrolled in or employed in North Park's Seminary are not confidential. Individuals who believe they should be designated as confidential must seek and obtain authorization from Human Resources. Human Resources will review the request for confidentiality, make a determination and note their respective employee file if applicable.

State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or others; (ii) if there is reasonable cause to suspect that a minor has been sexually abused. These reports must be made to IDCFS Child Abuse Online Reporting System here (<https://childabuse.illinois.gov/>). If the abuse or neglect requires immediate action, you must call Child Abuse and Neglect Hotline at 1.800.25.ABUSE (800-252-2873). This hotline is staffed 24 hours a day, 365 days a year.

- Employees designated by the institution as exempt from reporting known sex discrimination to the Title IX Coordinator and designated as such for the purpose of providing services to the campus community related to sex discrimination. Such employees must be acting in the scope of that role when they learn of the information about sex discrimination for this exemption to apply. For example, the ombudsperson and sexual violence response counselors may be designated as exempt from internal reporting. Disclosures made to these employees means that information will not be

shared with the Title IX Coordinator or anyone within North Park but may be released under legal action or court order without the permission of the individual disclosing the information.

### Reporting to the Police

Some Prohibited Conduct may constitute a violation of both the law and North Park policy. North Park encourages individuals to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of North Park policy.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a report is made to North Park as well as to law enforcement, North Park may delay its process if a law enforcement agency requests that North Park delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.

All investigations and determinations under this policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred, and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of North Park community or the safety of North Park as an institution is threatened, any individual with such knowledge should promptly inform the Office of Campus Safety and the Chicago Police Department by calling 911. North Park may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the wellbeing of North Park community and North Park as an institution.

- Campus emergencies: Dial 9-1-1 first, then (773) 244-5600
- General (non-emergency) questions: (773) 244-5600
- Campus Safety Director's office: (773) 244-5222

### **C. RESPONDING TO A REPORT**

The following process will be used following the receipt of a report of Prohibited Conduct under this Policy. The EO and Title Team will respond to reports. The Title IX Coordinator can designate any aspect of this Policy or procedures to their designee as appropriate.

### Initial Contact

Following receipt of a report alleging a potential violation of this policy, the a member of the EO and Title IX Team will contact the complainant to meet for an initial intake and assessment meeting, and will provide the following:

- An invitation to meet to offer assistance and explain their rights, resources, and options under this policy;
- Access to this policy;
- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
- The availability of Supportive Measures regardless of whether a formal complaint is filed and/or any resolution is initiated;
- The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
- The right to notify law enforcement as well as the right not to notify law enforcement;
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence;
- The right to an advisor of choice, if applicable, during North Park proceedings under this policy, including the initial meeting with a member of the EO and Title IX Team.
- A statement that retaliation for filing a formal complaint, or participating in any way in the procedures found in this Policy, is prohibited.
- Information on how to initiate the Investigation or Resolution-Based Agreement process.

### Initial Intake & Assessment

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the parties. The EO and Title IX Team may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the report is not the actual complainant, the EO and Title IX Team will limit communication to general information on policies and processes.

Should the complainant wish to file a formal complaint, the EO and Title IX Team will determine whether this policy applies and, if so, the appropriate process under this policy. The EO and Title IX Team will communicate to the complainant this determination.

If the information provided does not suggest a potential violation of this policy, the EO and Title IX Team will provide the complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

#### Requests for Confidentiality or No Further Action

When a complainant requests that North Park not use their name as part of any resolution process, or that North Park not take any further action, North Park will generally try to honor those requests. However, there are certain instances in which North Park has a broader obligation to the community and may need to act against the wishes of the complainant. In such circumstances, the EO and Title IX Team will notify the complainant in writing of the need to take action. The factors the EO and Title IX Team will consider when determining whether to act against the wishes of a complainant include:

1. The complainant's request not to proceed with filing a formal complaint;
2. The complainant's reasonable safety concerns regarding filing a formal complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a formal complaint is not filed;
4. The severity of the alleged Prohibited Conduct, including whether the conduct, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of North Park;
6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a Decision-Maker in determining whether discrimination occurred; and
8. Whether North Park could end the alleged discrimination and prevent its recurrence without filing a formal complaint.
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents North Park from ensuring equal access on the basis of sex to its education program or activity.

#### Emergency Removal

For Title IX Prohibited Conduct, North Park retains the authority to remove a respondent from North Park's program or activity on an emergency basis, where North Park (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal, and (3) North Park provides the respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The respondent may challenge the decision within 1 business day following the removal, by notifying the Title IX Coordinator in writing. North Park will designate an impartial individual, not otherwise involved in

the case, to consider the challenge to the removal and determine if the emergency removal was reasonable. The appeal will be considered within 2 business days of the written appeal.

The decision of the appeal officer will be considered final.

If new information is brought forward the Emergency Removal process will be reviewed.

For Non-Title IX Prohibited Conduct, North Park may defer to its interim suspension policies for students and administrative leave process for employees.

#### Administrative Leave

North Park retains the authority to place an employee respondent on administrative leave during a pending formal complaint or other process under this policy, with or without pay as appropriate. Administrative leave may be a supportive measure, emergency removal, or consistent with applicable law or Collective Bargaining Agreements. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

#### Formal Complaints

A formal complaint is required in order to proceed with a resolution process under this Policy except Support-Based Resolution. A formal complaint must be written, in paper form (hand delivered or by mail or shipping service) or electronically submitted and either signed or with another indication that it is being filed by the Complainant, the Complainant's parent or guardian, or by the Title IX Coordinator or designee, and that alleges a violation of the Policy as defined above, by a covered person, within an University program or activity, and requesting that the University investigate the allegations.

Where the Complainant is unable or unwilling to file a formal complaint, and there have been allegations of violations of this Policy involving covered persons in the University's programs and activities, the Title IX Coordinator or designee may file and sign a formal complaint. In that case, the Title IX Coordinator or designee does not have the status of Complainant or party. A Complainant retains their rights even if they decline to participate, including but not limited to receiving notices, the opportunity to review evidence and the right to receive the final investigation report. The Title IX Coordinator or designee will use discretion in these matters.

A formal complaint cannot be filed anonymously because the Respondent must be notified who is making the accusation against them. A person does not, however, need to file a formal complaint to obtain supportive measures. For supportive measures, the Complainant's identity may remain confidential to the extent practicable to implement the supportive measure.

In certain cases, the identity of the Respondent may not be known by the person filing the formal complaint. They may still file the formal complaint, and the University may be able to better identify the Respondent.

### Dismissal of a Formal Complaint

North Park takes all allegations of this nature seriously and is committed to providing a learning and working environment free from discrimination. Please note that dismissing a complaint under this Policy is procedural and does not limit the University's authority to address a complaint with an appropriate process and remedies.

When the University dismisses a formal complaint, it means the University may not investigate or adjudicate the allegations in that formal complaint. Before dismissing a formal complaint, North Park will make reasonable efforts to clarify the allegations with the complainant. A dismissal of a formal complaint does not preclude the University from adjudicating the matter under another University policy.

North Park may dismiss a formal complaint at any time before a determination is made if:

- North Park is unable to identify the respondent after taking reasonable steps to do so;
- If specific circumstances prevent North Park University from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint;
- The respondent is not participating in North Park's education program or activity and is not employed by North Park;
- The complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint.
- The complainant voluntarily withdraws some but not all allegations in a formal complaint in writing, and North Park determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy; or
- North Park determines the conduct alleged in the formal complaint, even if proven, would not constitute Prohibited Conduct under this policy.

A formal complaint of Title IX Prohibited Conduct must be dismissed when:

- The conduct alleged did not occur in the University's education program or activity, or did not occur against a person in the United States;
- The complainant voluntarily withdraws some but not all allegations in a formal complaint in writing, and the University determines that, the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy or
- The University determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this policy.

Upon dismissal, North Park will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then North Park will notify the parties simultaneously in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

North Park will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then North Park will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, North Park will follow the procedures outlined in the Appeals section of these procedures.

When a formal complaint is dismissed, North Park will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and,
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that Prohibited Conduct does not continue or recur within North Park's education program or activity.

A complainant who decides to withdraw a formal complaint or any portion of it may later request to reinstate it or refile it.

#### Referrals for Other Misconduct

North Park has the discretion to refer reports of misconduct not covered by this policy for handling under any other applicable North Park policy, code, or handbook. As part of any such referral for further handling, North Park may use evidence already gathered through any process covered by this policy.

Should there be a conflict between the provision of this policy and other North Park policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.

This policy and these procedures are separate from North Park's employee and/or student conduct processes, by which North Park may bring a conduct charge against an employee and/or student for violating North Park policy according to the provisions found in North Park's employee handbook, MAPP, undergraduate Student Handbook and Community Standards and any handbook or process for graduate or adult students.

#### Consolidation of Cases

North Park may consolidate reports under this policy as appropriate: for example, if there are multiple reports where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple reports with overlapping parties.



North Park also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this policy. The Title IX Coordinator will address these consolidated matters in collaboration and coordination with other appropriate offices, such as Student Engagement and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

#### Student Withdrawal, Graduation or Employee Resignation while Matters are Pending

If a student or employee respondent permanently withdraws or resigns from North Park with unresolved allegations pending, North Park will consider whether and how to proceed with the resolution process. North Park will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged harassment, discrimination or retaliation.

A student respondent who withdraws or leaves while the process is pending may not return to North Park without first resolving any pending matters. Such exclusion applies to all North Park campuses and programs. Admissions will be notified that the student cannot be readmitted. They may also be barred from North Park property or events. If a student respondent withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to North Park unless and until the matter is fully resolved. A registration hold be noted on their student record and prevents a student from registration.

**Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

**Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this policy , including the completion of all sanctions imposed, if any.

If a violation occurs just prior to a student's scheduled graduation, sanctions may be imposed even if all academic requirements are completed. Sanctions may include, but are not limited to, community service, research or reflective paper, restitution, loss of privilege to participate in the graduation ceremony, deferment of degree, and a transcript hold. The University may withhold issuing a degree until all sanctions are fulfilled. In the rare case of a serious violation (e.g., sexual assault, DUI, illegal drug sales), the University may permanently withhold a degree.

An employee respondent who resigns with unresolved allegations pending is not eligible for rehire with North Park and the records retained by the Title IX Coordinator or designee will reflect that status. All North Park responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter. Their employee file will be notated to reflect they are not eligible for rehire pending an administrative outcome.

## False Statements

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

## Advisor

Each party is entitled to be accompanied by one advisor at all stages of the resolution process, formal and informal, including all intakes, meetings, interviews and hearings. The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process.

The role of the advisor is to assist the party with understanding and navigating the proceedings. The advisor may not advocate for, respond for, or otherwise speak on behalf of a party during the resolution process. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigators or other Decision-Makers except during a hearing proceeding, during cross-examination.

The parties are expected to respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator or designee will determine, in their sole discretion, how to address the Advisor's non-compliance and future role. If a party does not have an advisor, the University will assist a party in identifying one.

## **D. OPTIONS FOR RESOLUTION**

There are multiple ways to resolve a report of Prohibited Conduct. Whenever possible, North Park will utilize the resolution method chosen by the complainant. During the resolution of a report, the Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (complainants and respondents) and community members in maintaining access to and participation in North Park programs, services and activities during the resolution of the report.

This section includes information on support-based resolution, agreement-based resolution, and two types of investigation and decision-making procedures depending on the conduct alleged and the status of the parties.

### Support-Based Resolution

A formal complaint is not required for a support-based resolution. A support-based resolution is an option for a complainant who does not wish for North Park to take any further steps to address their concern, and when the EO and Title IX Team determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to North Park and the EO and Title IX Team determines there is need for additional steps to be taken, or the complainant later decides to pursue a Resolution Agreement or investigation and decision-making.

### Agreement-Based Resolution

A formal complaint is required for Agreement-Based Resolution. Agreement-Based Resolution is not available to resolve a student Complainant's allegation that an employee has engaged in Title IX Prohibited Conduct. Agreement-Based Resolution is an alternative to the investigation and decision-making procedures where the Parties each voluntarily agree to resolve the formal complaint in a way that does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If North Park offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the EO and Title IX Team must still take other prompt and effective steps as needed to ensure that Prohibited Conduct does not continue or recur within the education program or activity.

The University will appoint a neutral, trained, facilitator to work with the parties to design a proposed agreement between the parties. The Title IX Coordinator or designee must approve of the use of the Agreement Based Resolution process, and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Agreement-

Based Resolution does not result in a determination about whether the alleged Prohibited Conduct occurred.

The Title IX Coordinator or designee has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through the Investigation or Investigation and Hearing process, including the hearing procedures for Title IX Prohibited Conduct..

#### Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, a member of the EO and Title IX Team will provide the Parties written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Agreement-Based Resolution process;
- Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether North Park could disclose such information for use in a future North Park grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate.
- Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal.
- Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations.
- A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred.
- A statement that the respondent is presumed not responsible for violating this policy, unless the respondent admits to violations of this policy;
- An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney;
- A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of 3 days' notice;
- Information regarding Supportive Measures, which are available equally to the parties; and
- The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

#### Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the a member of the EO and Title IX Team will then meet separately with each party to discuss the Agreement-Based Resolution process and

facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator or designee does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator or designee may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Title IX Coordinator or designee will inform the Parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific parties in the matter. The Title IX Coordinator or designee may serve as the facilitator, subject to these restrictions. The Investigator or Decision-Maker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

- an agreement that the respondent will change classes or housing assignments;
- an agreement that the Parties will not communicate or otherwise engage with one another;
- an agreement that the Parties will not contact one another;
- completion of a training or educational project by the respondent;
- completion of a community service project by the respondent;
- an agreement to engage in a restorative justice process or facilitated dialogue; and/or
- discipline agreed upon by all parties.

To facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same formal complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

#### Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator or designee, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator or designee as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

Any violations of the terms of the Resolution Agreement may result in disciplinary action in accordance with the applicable policies.

#### Investigation & Decision-making Resolution

This policy includes two types of investigation and decision-making procedures:

Process A includes a fact-gathering investigation and a determination by a Decision-Maker after a live hearing. Process A will be used to adjudicate the following:

- All Formal Complaints of Title IX Sexual Misconduct.
- Formal Complaints for the following types of Non-Title IX Sexual Misconduct when the Respondent is a student: Dating Violence, Domestic Violence, Sexual Assault, Stalking, Sexual Coercion, Sexual Exploitation.

Process B will be used for all other Formal Complaints. Process B involves an investigation and determination without a live hearing; the Investigator is the Decision-Maker.

At the sole discretion of the EO and Title IX Team, retaliation complaints may be resolved under Process B or another University policy.

The following information applies to both types of investigation and decision-making procedures.

#### Acceptance of Responsibility

If a respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Decision Maker will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct, if any. This outcome is not appealable by the parties.

#### Assignment of the Investigator and/or Decision Maker

North Park will assign a trained Investigator and/or Decision-Maker to conduct an adequate, reliable, and impartial investigation and decision-making, as applicable, in a reasonably prompt timeframe. North Park reserves the right to utilize internal or external Investigators and Decision-Makers.

All parties have the option to participate in the investigation, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator providing the final report to the Decision-Maker.

The Investigator will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.

#### Conflict of Interest or Bias

After a Notice of Investigation is issued to all parties, any party may object to the participation of a member of the EO and Title IX Team or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation to object to the selection of the Investigator or the Title IX Coordinator. Objections to the Title IX Coordinator are to be made, in writing, to Vice President of Student Engagement. Objections to the appointment of the Investigator are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

#### Timeline

North Park strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation. The timeline to reach an outcome is thirty (30) days, whether through Process A with a live hearing or Process B without one

The timeline for any part of the resolution process may be extended for good cause by the EO and Title IX Team. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or determination. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

North Park shall not unreasonably deny a student party's request for an extension of a deadline related to a formal complaint during periods of examinations or school closures.

The Investigator and/or Title IX Coordinator or designee shall provide the Parties with periodic status updates, in writing.

North Park strives to complete the Informal Resolution process within forty-five (45) days.

#### Burden and Standard of Review

North Park has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from North Park and does not indicate responsibility. The standard of proof used in any investigation and decision-making process is the preponderance of the evidence standard, which means more likely than not.

## Written Notice of Meetings

North Park will provide a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

## Evidence Gathering

### *Interviews*

The Investigator will interview all parties and relevant witnesses and gather relevant and directly-related documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the formal complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant or directly related to the allegations. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The investigator ultimately determines whom to interview to determine the facts relevant to the formal complaint.

### *Irrelevant Evidence*

The following are not relevant, as per applicable federal law. This means this information will not be accessed or considered, except by North Park to determine whether one of the exceptions listed below applies.

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless North Park obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
  - It is offered to prove that someone other than the respondent committed the Prohibited Conduct alleged in the formal complaint; or
- It concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.
- Any type of recording, such as audio or visual, without the consent of the recorded individuals, unless permitted by law.



### Process A: Investigation & Live Hearing Procedure

Process A consists of the following stages: written notice of investigation; evidence gathering; evidence review; final investigation report and notice of hearing, hearing, determination; option to appeal. Process A will be used to adjudicate the following:

- All Formal Complaints of Title IX Sexual Misconduct.
- Formal Complaints for the following types of Non-Title IX Sexual Misconduct when the Respondent is a student: Dating Violence, Domestic Violence, Sexual Assault, Stalking, Sexual Coercion, Sexual Exploitation.

#### Notice of Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

- The University's investigation and hearing procedures, including a link to the relevant policies;
- Information about the agreement-based resolution process, with a link to the full procedures.
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the specific type of Prohibited Conduct alleged under the policy, and the date(s) and location(s) of the alleged incident(s);
- A list of possible sanctions.
- A statement that retaliation is prohibited;
- Expected length of the major stages of the resolution process, as well as any applicable deadlines.
- The Notice will inform the parties that the Investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s).
- The process for raising a challenge to the appointed Investigator, hearing officer, Title IX Coordinator, or other individual implementing this Policy, and the deadline for doing so.
- A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and directly related evidence to a trained, impartial Decision-Maker;
- A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney;
- The parties are entitled to an equal opportunity to access the relevant and directly-related evidence or an investigation report that accurately summarizes this evidence. And;

- The University prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, include the following knowingly making false statements or knowingly submitting false information. An individual found to have knowingly made a false complaint or report, or to have knowingly given false information during a process under this Policy, may be subject to disciplinary action, up to and including termination of employment or dismissal from the University's academic programs.

#### Individual Interviews

The Investigator will hold individual interviews with parties and witnesses to ask relevant questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the Investigator and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator or designee in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the grievance process and may be subject to further University discipline for failure to do so.

The Investigator will then gather from parties, witnesses, and other sources, all relevant and directly related evidence.

The University will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. The University has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable University rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option. The Investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.

#### Investigator Determination of Relevance

The Investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant, directly related, or irrelevant. This may include character or expert evidence, if relevant.

### Evidence Review

At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor the opportunity to review all relevant and directly related evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decision-Maker. Given the sensitive nature of the information provided, the University will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of ten (10) days to inspect and review the evidence and submit a written response in writing to the Investigator. The Title IX Coordinator or designee shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have five (5) days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report.

### Investigation Report

The Investigator will prepare a written report summarizing all of the relevant evidence gathered and all steps taken during the investigation process. The Investigator will also include as an attachment all relevant and directly related evidence gathered during the investigation, as well as all interview notes.

### Conclusion of Investigation, Notice of Hearing

Once the investigation report is final, the report together with all attachments shall be provided to each party and to their advisor, if any, in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Each party shall have ten (10) days to provide a response. The response, if any, shall be provided to the Hearing Officer.

Following conclusion of the investigation, each party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Officer, the process to be used at the hearing, deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure they are relevant to the allegations. The hearing shall be scheduled no less than ten (10) days from the date of the Notice of Hearing.

Within three (3) days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator or designee. Should the Title IX Coordinator or designee determine that there is an actual bias or conflict of interest, the Title IX Coordinator or designee shall remove the Hearing Officer and appoint another.

### Hearing Procedures

The purpose of a hearing is for a Hearing Officer (also known as the Decision-Maker), to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. The University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Title IX Coordinator or designee may determine that the hearing will continue in the absence of any party or any witness.

The University will appoint a Hearing Officer who will determine whether a violation of the University policy has occurred. The Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party’s absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the University and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place.

The recording is the property of the University but shall be available for listening until the conclusion of the appeals process to complainant, respondent, their respective advisors, Hearing Officer, and Appeal Officer by contacting the Title IX Coordinator.

#### Prior to the Hearing

The parties and the Hearing Officer all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness to the Hearing Officer at least five (5) days in advance of the hearing.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the Investigator, and what information the witness has that is relevant to the allegations. The Hearing Officer will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.

A list of witnesses approved by the Hearing Officer will be provided to the parties at least three (3) days prior to the hearing.

Three (3) days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any questions are not relevant, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

#### Advisor

Each party is entitled to be accompanied by one advisor at the hearing. The role of the advisor is to assist the party with understanding and navigating the proceedings, and at the direction of the Hearing Officer, pose questions developed by their advisee to the other party or witnesses. The advisor may not advocate for, respond for, or otherwise speak on behalf of, a party during the hearing.

An advisor of the University's choosing shall be provided for any party who does not have an advisor for the hearing for the purposes of conducting cross-examination.

#### Hearing Participation Guidelines

The Hearing Officer shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the Hearing Officer removes an advisor, the Hearing Officer will have the discretion to appoint another advisor for the remainder of the hearing. The Hearing Officer also has the

authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

#### Statements, Questioning and Presentation of Evidence

During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call parties and witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the parties and witnesses and provide each party an opportunity to pose questions to the other party or witnesses through their advisor. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall not permit a response to the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their party.

#### Hearing Officer's Report

Following the hearing, the Hearing Officer shall prepare a determination report. All findings shall be made by a preponderance of the evidence, meaning more likely than not. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as complainant, respondent, or witness.

The determination report will include:

- A description of the Prohibited Conduct alleged;
- A reference to the policies and procedures used to evaluate the allegations;
- Description of all procedural steps taken to date;
- The Hearing Officer's evaluation of the relevant evidence along with the finding of facts;
- Determinations for each allegation, with the rationale;

This report shall be provided to the Title IX Coordinator or designee. In the event that the Hearing Officer has determined that a violation of university policy has occurred, the Hearing Officer and Title IX Coordinator or designee will determine the sanctions in consultation with the following:

- For Students, the Hearing Officer will consult with the Dean of Students or the Vice President of Student Engagement.
- For Faculty, the Hearing Officer will consult with the Provost or the appropriate dean.
- For Staff, the Hearing Officer will consult with the Senior Director of Human Resources, the appropriate manager, or the Vice President for Finance and Administration/CFO.

The Title IX Coordinator or designee shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the Hearing Officer's report. The Notice of Outcome shall include any disciplinary sanctions for the respondent, whether remedies will be provided, and the procedures for appeal. In addition, the complainant shall be informed of any remedies that apply to the complainant.

### **Process B: Investigation & Decision-making Procedure (No Live Hearing)**

This procedure is for all matters of Prohibited Conduct being investigated and determined under this policy that do not fall under Process A. Process B consists of five stages: written notice of investigation; evidence gathering; evidence review; final written determination; option to appeal.

North Park will assign a trained Investigator to conduct an adequate, reliable, and impartial investigation and determination in a reasonably prompt timeframe. North Park reserves the right to utilize internal or external Investigators and Decision-Makers.

All parties have the option to participate in the investigation, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator's making any findings.

#### **Notice of Investigation**

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

- North Park's resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures;
- The specific allegations, including the identity of the parties, and dates and location if known;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
- A statement that Retaliation is prohibited;
- Contact information for the assigned Investigator and Decision-Maker, as well as the process for raising a challenge to the appointed Investigator, Decision-Maker, or Title IX Coordinator or designee, and the deadline for doing so.
- Expected length of the major stages of the resolution process, as well as any applicable deadlines.
- Whether the Investigator, or another individual, shall serve as the Decision-Maker.

- A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decision-making procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-Maker.
- The parties may have an advisor of their choice who may be anyone they choose except a party who is a participant in the process.
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
- A statement that North Park prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, with a link to the relevant policy(ies).
- The date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.

### Individual Interviews

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the Investigator and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the guidelines described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator or designee in connection with an approved disability-related

accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings and may be subject to further North Park discipline for failure to do so.

North Park may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at North Park's discretion, with all participants joining virtually through a video conferencing option.

North Park will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. North Park has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable North Park rules.

### Evidence Review

At the conclusion of all fact-gathering, the Investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.



The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence before the conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Given the sensitive nature of the information provided, North Park will facilitate this review in a secure manner that will be determined based on the circumstances. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process. The parties will have a minimum of five (5) days to inspect and review the evidence and submit a written response in writing to the Investigator. North Park will provide access to copies of the parties' written responses to the Investigator to all parties and their advisors, if any. The Title IX Coordinator or designee shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review, when deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their advisors. The parties shall have five (5) days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report.

The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached.

### Investigation Report

The Investigator, who may also serve as the Decision-Maker, shall evaluate the relevant and not impermissible evidence and make a factual determination regarding each allegation, and also determine whether a violation of the policy occurred. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The Investigator will not draw an inference about whether Prohibited Conduct occurred based solely on a party's or witness's refusal to respond to questions.

The Investigator shall prepare a report which shall include:

- A description of the allegations of Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations;

- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
- An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
- Findings of fact for each allegation, with rationale;
- Conclusions regarding which section of this policy or other North Park policy, if any, the respondent has or has not violated, with rationale.

This report shall be provided to the Title IX Coordinator or designee. In the event that the Investigator has determined that a violation of the policy has occurred, the Title IX Coordinator or designee shall then provide the report to the appropriate Decision-Maker to determine the sanction, and the Title IX Coordinator or designee shall then determine the appropriate remedy(ies) for the complainant and any impacted parties.

The Title IX Coordinator or designee shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the investigation report. The Notice of Outcome shall include:

- A statement of, and rationale for, any disciplinary sanctions North Park imposed on the respondent.
- A statement as to whether remedies will be provided to the Complainant.
- For the complainant, a description of any remedies that apply to the complainant.
- North Park's procedures and the permitted reasons for the parties to appeal, including identifying the Appeals Officer.
- How to challenge participation by the Appeals Officer for bias or conflict of interest, which the Title IX Coordinator or designee will resolve in their sole discretion.

The determination regarding responsibility becomes final either on the date that North Park provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

- For Students, the Decision-Maker will consult with the Dean of the Students or Vice President of Student Engagement.
- For Faculty, the Decision-Maker will consult with the Provost or the appropriate dean.
- For Staff, the Decision-Maker will consult with the Senior Director of Human Resources, the appropriate manager, or the Vice President for Finance and Administration/CFO.

## **Appeals**

Dismissals of formal complaints and determinations made through Process A or Process B may be appealed in writing by either party consistent with this Policy. Appeals will be sent to the Title IX Coordinator or designee, who will then send the appeal to the Appeals Officer assigned to conduct a written review of the

appeal(s) and to make a final determination. Appeals must be in writing and filed within five (5) business days following the issuance of the outcome letter.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal within one (1) day, and have five (5) business days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) business days of an Appeal Officer being assigned, either party may provide written objection to the Appeal Officer on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator or designee. Should the Title IX Coordinator or designee determine that there is an actual bias or conflict of interest, the Title IX Coordinator or designee will appoint another Appeal Officer.

Appeals may be filed only on the following three grounds:

1. Procedural Error: A procedural error occurred would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
2. New Evidence: New evidence or information has arisen that was not available or known to the party during the investigation or determination, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
3. Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

The Appeal Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator or designee who will communicate the Appeal Officer's decision to the Parties. The decision of the Appeals Officer is final.

#### **Failure to Complete Sanctions/Comply with Responsive Actions**

All responding parties are expected to comply with conduct sanctions/responsive actions/ corrective actions within the timeframe specified by North Park. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator or designee stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation. Students who fail to comply will be referred to the Dean of Students in accordance with North Park's Undergraduate Student Handbook and other applicable handbooks or policies for graduate students or students. Employees who fail to comply will be referred to the Senior Director of Human Resources in accordance with North Park's Employee Handbook and other applicable handbooks or policies.

Refer to section Student Withdrawal, Graduation or Employee Resignation while Matters are Pending for additional information.

#### **E. RECORD RETENTION**

In implementing this policy, records of all reports and resolutions will be kept by the Title IX Coordinator and/or EO Coordinator in accordance with the applicable North Park records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information.

#### **F. ADDITIONAL ENFORCEMENT INFORMATION**

The U.S. Equal Employment Opportunity Commission (EEOC) investigates reports of unlawful discrimination and harassment in employment.

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

For more information, contact the nearest office of the EEOC or OCR.

US Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

U.S. Equal Employment Opportunity Commission (EEOC) <https://www.eeoc.gov/contact-eeoc>

## DHR, IHRC, OCR, and EEOC Legal Recourse and Investigative/Complaint Process

A North Park employee has the right to contact the Illinois Department of Human Rights (IDHR) for further information or to file a formal charge of unlawful discrimination, harassment, or retaliation. Charges must be filed within 180 days of alleged sexual harassment or other alleged discrimination unless it is a continuing offense. An appeal process is available through the Illinois Human Rights Commission (IHRC) after IDHR has completed its investigation of the complaint. The investigative, charge, and complaint process, and legal recourse processes are described in more detail at <http://www2.illinois.gov/dhr/FilingCharge/Pages/Employment.aspx>.

IDHR may be reached at:  Illinois Department of Human Rights 100 W. Randolph St., 10th Flr. Intake Unit Chicago, IL 60601 312- 814-6200	IHRC may be reached at:  Illinois Human Rights Commission 100 W. Randolph St., Suite 5-100 Chicago, IL 60601 (312) 814-6269 (312 814-4760 (TTY)	City of Chicago may be reached at:  Chicago Commission on Human Relations 740 N. Sedgwick, 4th Floor Chicago, IL 60654 312-744-4111
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### **G. POLICY REVIEW & REVISION**

These policies and procedures will be reviewed and updated regularly by the EO and Title IX Team. The EO and Title IX Team will submit modifications to this policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. The policy definitions in effect at the time of the conduct will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to North Park website.

### **H. KEY DEFINITIONS**

**Advisor:** Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or attorney. North Park will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend.

Except where explicitly stated by this policy, advisors shall not participate directly in the process. North Park will provide the parties with equal access to advisors; any restrictions on advisor participation will be applied equally.

The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding.

**Amnesty:** a provision whereby a student who makes a report or assists another in making a report to North Park or who participates in the resolution of a report under this policy will not be subject to North Park's policy concerning alcohol or drug use for actions that may have occurred at or near the time of the Prohibited Conduct defined within this policy, unless alcohol or drug-related misconduct threatens the health or safety of another.

**Appeal Officer:** See Decision-Maker

**Coercion/Force:** Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

- Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
- Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

**Formal Complaint:** a written document (hard copy or electronic) that alleges that a Respondent engaged in Prohibited Conduct and requests initiation of the procedures consistent with this Policy. A Formal Complaint can only be filed by a Complainant or by the Title IX Coordinator or EO Coordinator. A Formal Complaint filed by the Complainant must be signed or have some other indication that the Complainant is the person filing the Formal Complaint. A formal complaint may be filed with the Title IX Coordinator or EO Coordinator in person, by mail, or by electronic mail (email), by using the contact information listed on the [Title IX website](#), or the [Equal Opportunity Website](#) as described in this policy. Individuals who would like more information about filing a formal complaint are invited to contact the Title IX Coordinator for additional information.

**Complainant:** Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this policy, and who was participating in a North Park program or activity at the time of the alleged misconduct.

**Confidential Resources:** any individual identified by the university who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

**Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity, expressed in words or actions. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct with that particular person or people.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Past consent does not imply future consent. A current or previous dating relationship is not sufficient to constitute consent.

The existence of consent is based on the totality of the circumstances, evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred. Silence or the absence of resistance alone is not consent. In Illinois, the legal age of consent is 17 but rises to 18 if the respondent holds a position of trust, authority, or supervision in relation to the victim. This means that there can be no consent when one participant in sexual activity is under the legal age of consent and any other participant is at or over the legal age of consent.

Consent can be withdrawn at any time during sexual activity through reasonable and clear communication through words or actions. When consent is withdrawn, sexual activity must stop.

Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

**Days:** any reference to days refers to business days when North Park is in normal operation.

**Decision-Maker or Hearing Officer:** Trained professional designated by North Park to decide responsibility, sanction, or appeals. A Decision-Maker may be one person, or a panel of multiple people as determined by North Park. The Investigator may be appointed as the Decision-Maker in matters that do not include a live hearing. In matters resolved with a live hearing, the Hearing Officer is the Decision-Maker.

**Disclosure or Report:** A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting discrimination or harassment under this policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

**Employee:** An employee is defined as any individual who performs work or services for the institution and receives compensation through the university's payroll system. This includes, but is not limited to, full-time and part-time staff, faculty (including adjuncts), temporary employees, and individuals hired under short-term contracts or grants.

**Finding:** a written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.

**Hearing Officer:** See Decision-Maker

**Incapacitation** occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Under this policy, North Park will consider whether a respondent knew or should have known the complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment. The fact that the respondent was unaware of the complainant's incapacity due to the respondent's own drug or alcohol use shall not be considered as an excuse.

**Investigator:** The person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

**No-Contact Directive:** A No Contact Directive is a document issued by a North Park administrator that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy shall be unilateral, directing that the respondent does not contact the complainant.

**Notice:** All notices under this policy are written and sent to the student or employee's assigned North Park email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official North Park records, or personally delivered to the intended recipient.



**Party/parties:** Referring to complainant(s), respondent(s), or both/all complainant(s) and respondent(s).  
**Preponderance of Evidence:** More likely than not something occurred.

**Remedies:** Remedies means measures provided, as appropriate, to a complainant or any other person North Park identifies as having had their equal access to North Park's education program or activity limited or denied by discrimination or other prohibited conduct covered by this policy. These measures are provided to restore or preserve that person's access to the work environment, education program or activity after a North Park determines that discrimination occurred. Only the complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator or EO Coordinator is responsible for implementation of remedies.

**Respondent:** an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

**Sanctions:** One or more of the sanctions or disciplinary steps listed here may be imposed on a respondent who is found responsible for a violation of North Park's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator or EO Coordinator.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable North Park rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous grievances or allegations involving similar conduct.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, or retaliation.
- The need to remedy the effects of the discrimination, harassment or retaliation on the victim and the campus community.

Sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Employees, including any faculty, staff, or student employees who are found responsible for violating this policy and who received sanctions may be referred to the appropriate dean or administrator for consideration for discipline under other applicable policies.

Possible sanctions and disciplinary steps for student respondents include, but are not limited to the following:

- Educational activity/community service
- Fines and restitution
- Parent or legal guardian notification
- Loss of privileges (including residential housing, or access to any University areas)
- Warning
- Probation
- Deferred Suspension
- Suspension
- Dismissal
- Revocation of Admission and/or Degree:
- Withholding Degree

Possible sanctions and disciplinary steps for employee respondents include, but are not limited to:

- Education or remediation
- Loss of privileges
- Work schedule adjustments, changes, or demotion
- Warning
- Termination

**Student:** Any person who has (or will have) attained student status by way of:

1. Admission, housing, or other services that require student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by the university.

**Supportive Measures:** Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to North Park's education program or activity, including measures that are designed to protect the safety of the parties or North Park's educational environment; or
- Provide support during North Park's grievance procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; Employee Assistance Program (EAP); increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator or designee); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive. Supportive Measures will also be offered to respondents when they are notified of the allegations.

Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of the institution to provide the Supportive Measures.

North Park will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to the North Park's program or activity or provide support during North Park's alternative resolution process or grievance procedures. Prohibited Conduct under this policy have the right to request supportive measures from North Park regardless of whether they desire to make a formal complaint.

A party may challenge North Park's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal of North Park's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide Supportive Measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) days.

The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing codes or handbooks.

## **I. CONFIDENTIAL AND PRIVATE RESOURCES**

### Confidential Resources

On Campus: Counseling, Health, and Pastoral Care  
Students Only

- [Counseling Support Services](#), 3317 W. Foster Ave., 773-244-4897
- [Health Services](#), 3317 W. Foster Ave, 773-244-4897
- Terence Gadsden, University Ministries: Center for Student Engagement, first floor, Johnson Center, 773-244-4983

Employee Only

- ComPsych, 800-890-1213; [www.guidanceresources.com](http://www.guidanceresources.com)
  - WebID: ILEAP

#### Confidential-Off Campus: Medical Health

- [Swedish Hospital](#): 773- 878-8200

#### Confidential - Off Campus: Counseling

- [YWCA Sexual Assault Support Services](#): 888-293-2080
- [Greenlight Counseling Services](#): 773-728-7800
- [Community Counseling Center of Chicago](#): 24-Hour Crisis Line 773-769-0205

#### Confidential - Off Campus, Advocacy Services

- [Resilience](#): 312-443-9603
- [RAINN](#): 800-656-4673
- [Domestic Violence Legal Clinic](#): 312-325-9155
- [No More Global](#): International Directory of Resources

#### Private Resources

##### Law Enforcement

- On Campus: [Campus Safety](#): 773-244-5600
- Off Campus Emergency: 9-1-1

##### Title IX Coordinator

- Elizabeth Fedec, Assistant Vice President and Dean of Students: 773-244-5664
- [Online Incident Report Form](#)

##### EO Coordinator

- Frank Hattula, Sr. Director of Human Resources: 773-244-5601
- [Online Incident Report Form](#)

#### END OF POLICY

#### **Stakeholder review:**

- Title IX: July 2024, August 2025
- EO/Human Resources: July 2024, August 2025

#### **Document History:**

- Merged the following policies: Title IX Sexual Harassment & Sexual Misconduct Policy and Policy Against Discrimination, Harassment and Retaliation: July 2024