

Illinois Preventing Sexual Violence in Higher Education Act Annual Report

November 1, 2021

As an internationally renowned school of art and design, the School of the Art Institute of Chicago's ("SAIC") mission centers on its passion to provide excellence in the delivery of a global education in visual, design, media, and related arts through an assembly of a diverse and inclusive campus community. SAIC's core values – exploration, meaning and making, artists and scholars, and Chicago – all revolve around a sense of community values and care for one another.

SAIC is committed to preventing all forms of sexual misconduct such as sexual violence, domestic violence, dating violence, and stalking. In its commitment to prevent sexual misconduct, SAIC has policies in place to help foster a safe and nondiscriminatory environment and campus community built on trust, mutual respect, and accountability. SAIC's *Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence* outlines resources available to students, faculty, and staff, such as: on- and off-campus advocacy and emotional support, counseling and health services and wellness visits, interim protective measures, including flexibility to change housing and working arrangements, and channels for pursuing a complaint resolution process, as well as a criminal charge or action. SAIC encourages all members of its community to continue to work together to help end all sexual misconduct.

Furthermore, this Report is prepared pursuant to the requirements of the Illinois Preventing Sexual Violence in Higher Education Act ("Act"). Because this Report was prepared for a specific purpose, in accordance with the specifications and definitions of the Act, it is possible that information in this Report may not appear to be precisely aligned with similarly reported information. For example, the definition of "Sexual Violence" in the Act is different than the definition of "Sexual Offense" for purposes of SAIC's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). It is also important to note that this Report includes information reported from January 1, 2020 through December 31, 2020.

In summary, SAIC recommends that this Report be read carefully and in its entirety to understand the full context of the Report. Further, clarification regarding the reporting requirements and appropriate data collection was solicited via the Chicagoland Title IX Consortium during and following the Consortium meeting with representatives of the Illinois Attorney General's Office on September 15, 2017. To date, no additional clarification has been given by the Attorney General's Office.

Preventing Sexual Violence in Higher Education Act Annual Report

Form

Name of Higher Education Institution: The School of the Art Institute of Chicago (“SAIC”)

Completed By/Primary Contact: Lumturiye “Luma” Akiti

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PART A

Provide one copy of the most recent version of each of the following documents:

- €✓ The higher education institution’s comprehensive policy (*see* 110 ILCS 155/10); and
- €✓ The higher education institution’s concise, written notification of a survivor’s rights and options under its comprehensive policy (*see* 110 ILCS 155/15).

PART B

I. Campus Training, Education and Awareness

A. Student Primary Prevention Programming

Identify any and all institutional actions and strategies intended to prevent sexual violence before it occurs by means of changing social norms and other approaches, including, without limitation, training programs, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars or panel discussions that occurred during the 2020 calendar year. *See* 110 ILCS 155/30(b). If necessary, append additional pages.

Program name	Type/description	Date(s)	Location(s)	Target audience	Number of attendees
Student Orientation: Title IX Training	The Student Orientation Title IX training informs students about Title IX and Title IX-related policies implemented by SAIC.	1/22/2020	On-campus location	All incoming first-year students and transfer students	All incoming SAIC students
Sexual Assault Awareness Month Programs	Campus-wide email to campus community about Sexual Assault Awareness Month programs and events.	4/8/2020	Online	SAIC campus community	SAIC campus community
Sexual Assault Awareness Month Programs	SAAM Book and Media Display - Explore the SAAM booklist and discover relevant eResources from the John M. Flaxman Library.	April 2020	Online	SAIC campus community	SAIC campus community
Sexual Assault Awareness Month Programs	Virtual Wandering Uterus Project - The Wandering Uterus Project explores lived experiences through the art of making and storytelling.	April 2020	Online	SAIC campus community	SAIC campus community
Sexual Assault Awareness Month Programs	Denim Day: students, staff, and faculty wear denim in recognition of DVAM.	4/29/2020	Online	SAIC campus community	SAIC campus community

Online Title IX Course: Sexual Assault Prevention	“Sexual Assault Prevention” is an online wellness course that educates students on the following content areas: (1) healthy relationships, communication, and consent; (2) sexual assault, relationship violence, and stalking; (3) risk awareness and reduction strategies; (4) bystander intervention and social norms; and (5) campus policies and support resources.	8/10/2020	Online training course	All new, incoming undergraduate students, and all returning sophomores	All incoming SAIC students
Online Title IX Course: Sexual Assault Prevention (Grad)	“Sexual Assault Prevention (Grad)” is an online wellness course that educates students on the following content areas: (1) healthy relationships, communication, and consent; (2) sexual assault, relationship violence, and stalking; (3) risk awareness and reduction strategies; (4) bystander intervention and social norms; and (5) campus policies and support resources.	8/10/2020	Online training course	All junior, senior, and new graduate students	All incoming SAIC students
Student-Staff Title IX Training	All 2020-21 Resident Assistant staff are trained on specific details of Title IX reporting and response protocol.	8/4/2020	Online	2020-21 Resident Assistant Staff	All 2020-21 Resident Assistant Staff

Student Orientation: Title IX Training	All new, incoming students are educated about SAIC's policies related to sexual assault, domestic violence, dating violence, stalking, prevention, and consent.	8/26/2020	Online	All new, incoming students	All incoming SAIC students
Domestic Violence Awareness Month Programs	Campus-wide email was distributed to the campus community to inform students, faculty, and staff about Domestic Violence Awareness Month programs and events.	10/1/2020	Online	SAIC campus community	SAIC campus community
Domestic Violence Awareness Month Programs	DVAM Virtual Pop-Up Library - Visit the Virtual Pop-Up Library to explore works that examine many issues surrounding interpersonal violence.	October 2020	Online	SAIC campus community	SAIC campus community
Domestic Violence Awareness Month Programs	Virtual Workshop: Confronting Domestic Violence in the Time of Covid-19. Join a 75-minute virtual workshop on intimate partner violence and its impact during COVID-19. Together, with our campus partner Pillars Community Health, we will explore what interpersonal violence might look, feel, and sound like during this time. Domestic Violence Community Outreach Advocate Lana Blitstein, MSW, will provide guidance around what we can do if we are	10/8/2020	Online	SAIC campus community	SAIC campus community

	experiencing dating or domestic violence and the various ways we can work to break cycles of interpersonal and structural violence.				
Domestic Violence Awareness Month Programming	Wear Purple for Domestic Violence Awareness: SAIC invited all students, faculty, and staff to wear purple, the color of Domestic Violence Awareness Month, which symbolizes peace, courage, survival, and dedication to ending domestic and dating violence.	10/22/2020	Online	SAIC community	SAIC community

B. Employee Training (*optional*)

Identify any and all training provided to higher education institution employees who, with respect to reports of sexual violence, domestic violence, dating violence or stalking: (1) receive student reports, (2) refer or provide services to survivors or (3) participate in the complaint resolution procedure. *See* 110 ILCS 155/30(c). If necessary, append additional pages.

Program name	Type/description	Date(s)	Location(s)	Target audience	Number of attendees
Professional Staff Training	New Faculty Orientation Title IX Training	1/21/2020	Online	All new faculty	All new faculty
Professional Staff Training	Title IX Training: New Title IX Regulations presented by Husch Blackwell, LLP.	7/23/2020	Online	Title IX Coordinator, Deputy Title IX Coordinator, and Title IX Investigators	SAIC staff members
Professional Staff Training	Academic Advisor Title IX training about SAIC's policies, procedures, and reporting protocols.	8/24/2020	Online	Academic Advisors	SAIC staff members
New Faculty Orientation	"What You Need to Know about Title IX & Sexual Misconduct" presentation about sexual misconduct reporting obligations, confidential resources, policies and procedures, resources & information, and reporting options.	8/21/2020	Online	New faculty	All new faculty
Professional Staff Training	Title IX Training - Sexual Misconduct Under Title IX Policy	11/30/2020	Online	SAIC staff member	SAIC staff members
Employee Preventing Sexual Misconduct Online Course	All new and existing employees are trained via an online, Title IX course about preventing sexual misconduct.	1/1/2020 – 12/31/2020	Online training course	All new employees	All new employees

II. Reports

Identify the total number of reports made to the following groups of individuals in the 2020 calendar year. If a higher education institution is aware that a student reported an incident more than once, it may provide an explanation for this or any other additional information regarding its reports in Part C below. *See* 110 ILCS 155/25 and 110 ILCS 205/9.21(b).

	Reports to the Title IX coordinator/responsible employees	Reports to confidential and anonymous resources¹
Sexual violence²	1 ³	2
Domestic violence	0 ⁴	0
Dating violence	0 ⁵	0
Stalking	0 ⁶	4

A. Responses to Reports to the Title IX Coordinator or Responsible Employees

Of the total number of reports or disclosures made to the Title IX coordinator or responsible employees at the higher education institution (identified in Part B, Section II), please report the number of times the following occurred:

¹ Reports to confidential and anonymous resources may be duplicates of reports to the Title IX Coordinator and responsible employees.

² Reports are based on the definition of “Sexual violence” provided by the Illinois Preventing Sexual Violence in Higher Education Act.

³ The School of the Art Institute of Chicago (hereinafter “SAIC”) reports 1 sexual violence incident that occurred within the geographic areas defined by the Clery Act (C.F.R. § 668.46(a)).

⁴ SAIC reports 0 domestic violence incidents that occurred within the geographic areas defined by the Clery Act (C.F.R. § 668.46(a)).

⁵ SAIC reports 0 dating violence incidents that occurred within the geographic areas defined by the Clery Act (C.F.R. § 668.46(a)).

⁶ SAIC reports 0 stalking incidents that occurred within the geographic areas defined by the Clery Act (C.F.R. § 668.46(a)).

	Survivor requested not to proceed with the complaint resolution procedure⁷	HEI investigated allegation⁸	HEI referred allegation to local or State law enforcement⁹	HEI resolved allegation through complaint resolution procedure¹⁰
Sexual violence	1	1	0 ¹¹	0
Domestic violence	0	0	0	0
Dating violence	0	0	0	0
Stalking	0	0	0	0

B. Complaint Resolution Procedure Outcomes

Of the total number of reports reviewed through the complaint resolution procedure, identify the number of students who received the following outcomes. Please provide a description of the other types of discipline students received for violating the comprehensive policy in Part C of this report.

⁷ For reporting purposes, “Survivor requested not to proceed with the complaint resolution procedure” includes survivor’s request not to proceed with a formal resolution process as described and provided by SAIC’s comprehensive policies prohibiting sexual violence, domestic violence, dating violence, and stalking. *See Exhibit 1 (detailing SAIC’s comprehensive Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking and Sexual Misconduct Under Title IX Policy).*

⁸ “HEI” refers to Higher Education Institution. For reporting purposes, “HEI investigated allegation” includes preliminary inquiries, intake meetings, and investigations into a report(s) of sexual violence, domestic violence, dating violence, and/or stalking.

⁹ SAIC offers referrals to local law enforcement to all reporting parties of sexual violence, domestic violence, dating violence, and stalking. *See Exhibit 2 (detailing SAIC’s written notification of a survivor’s rights, options, and resources).*

¹⁰ For reporting purposes, “HEI resolved allegation through complaint resolution procedure” includes a formal resolution process as described and provided by SAIC’s comprehensive policy prohibiting sexual violence, domestic violence, dating violence, and stalking. *See Exhibit 1 (detailing SAIC’s comprehensive Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking and Sexual Misconduct Under Title IX Policy).*

¹¹ SAIC referred 0 reports to local or state law enforcement.

	Found not responsible for violation of comprehensive policy¹²	Dismissed/expelled¹³	Suspended¹⁴	Otherwise disciplined
Sexual violence	0	0	0	0
Domestic violence	0	0	0	0
Dating violence	0	0	0	0
Stalking	0	0	0	0

¹² For reporting purposes, “Found not responsible for violation of comprehensive policy” includes a formal resolution process involving an adjudication of a report(s) of an incident of sexual violence, domestic violence, dating violence, and/or stalking as provided by SAIC’s comprehensive policy prohibiting sexual violence, domestic violence, dating violence, and stalking. *See Exhibit 1 (detailing SAIC’s comprehensive Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking and Sexual Misconduct Under Title IX Policy).*

¹³ For reporting purposes, “Dismissed/expelled” is considered a sanction as a result of a formal resolution process involving an adjudication of a report(s) of an incident of sexual violence, domestic violence, dating violence, and/or stalking as provided by SAIC’s comprehensive policy prohibiting sexual violence, domestic violence, dating violence, and stalking. *See Exhibit 1 (detailing SAIC’s comprehensive Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking and Sexual Misconduct Under Title IX Policy).*

¹⁴ For reporting purposes, “Suspended” is considered a sanction as a result of a formal resolution process involving an adjudication of a report(s) of an incident of sexual violence, domestic violence, dating violence, and/or stalking as provided by SAIC’s comprehensive policy prohibiting sexual violence, domestic violence, dating violence, and stalking. *See Exhibit 1 (detailing SAIC’s comprehensive Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking and Sexual Misconduct Under Title IX Policy).*

PART C

Use this space to provide any explanations or clarifications for information and data provided as part of the report. (Append additional pages as necessary.)

See corresponding footnotes under “Part. B., II. Reports, A-B”.

POLICY PROHIBITING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

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I. Statement of Policy

Our community expects that all interpersonal relationships and interactions—especially those of an intimate nature—be grounded in mutual respect, open communication, and clear consent.

The Art Institute of Chicago (“AIC”), including both the Museum and the School (“SAIC”), prohibits Sexual Assault, Domestic Violence, Dating Violence, and Stalking (defined below in Section II, “Definitions”). AIC also prohibits retaliation against anyone reporting, participating in, or thought to have reported or participated in, an allegation, investigation, or proceeding regarding Sexual Assault, Domestic Violence, Dating Violence, or Stalking regardless of whether such report is substantiated.

False accusations, made with knowledge that they are false, are prohibited and will be treated as violations of this Policy. An individual who, in good faith, makes a report that later is not substantiated is not considered to have made a false accusation and, therefore, is not in violation of the Policy.

This Statement of Policy applies to all members of the AIC community, which includes all trustees, officers, governors, faculty, staff, and volunteers.

This Policy addresses conduct that is unwelcome and not based on consent. SAIC has an additional, separate policy that applies to consensual romantic or sexual relationships with students. That policy, called the *Consensual Romantic or Sexual Relationship Policy* is in the Student Handbook and Faculty Dashboard. AIC also has separate policies that apply to discrimination, harassment, and retaliation. Please see the Discrimination, Harassment, and Retaliation policies in the Student Handbook, Faculty Dashboard, and Employee Guidelines.

Relationship to The Sexual Misconduct Under Title IX Policy. Other language in this policy notwithstanding, Sexual Assault, Domestic Violence, Dating Violence and Stalking, as defined in the Sexual Misconduct under Title IX Policy, will be governed by the Sexual Misconduct Under Title IX Policy and processes stated therein. As explained in the Sexual Misconduct Under Title IX Policy, to be considered under that Policy, the conduct must occur within the AIC’s education programs and activities and within the United States.

Conduct that falls outside of the scope of the Sexual Misconduct Under Title IX Policy, whether or not initially raised through a formal complaint under the Sexual Misconduct under Title IX Policy, may be addressed under this policy.

II. Definitions

Sexual Assault includes both Sexual Intercourse Without Consent and Sexual Contact Without Consent.

Sexual Intercourse Without Consent means having or attempting to have sexual intercourse with another individual without Affirmative Consent, as defined below. Sexual intercourse means vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact.

Sexual Contact Without Consent means having sexual contact with another individual without Affirmative Consent, as defined below. Sexual contact means the touching of the person’s breasts, anal, groin or genital areas, or other intimate body parts for the purpose of sexual gratification.

Sexual Assault is an extreme form of sexual harassment. For more information about sexual harassment, which is also prohibited by AIC’s policies, please see the policies on Discrimination, Harassment, and Retaliation in the Student Handbook, Faculty Dashboard, and Employee Guidelines. If a report includes allegations of Sexual Assault, then the process and procedures set forth in this Policy will be followed in the assessment, investigation, and resolution of a report. In no event shall a report proceed simultaneously through more than one internal AIC procedure.

Affirmative Consent

Consent represents the cornerstone of a respectful and healthy intimate relationship. AIC strongly encourages its community members to communicate – openly, honestly and clearly– about their wishes and intentions when it comes to sexual behavior, and to do so before engaging in sexual conduct.

Consent is the communication of an affirmative, conscious, and freely-made decision by each participant to

engage in agreed upon forms of sexual contact. Consent requires an outward demonstration, through understandable words or actions that conveys a clear willingness to engage in sexual contact.

Consent is not to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation of this Policy. For example, a person who does not physically resist or verbally refuse sexual contact may not necessarily be giving consent.

There is no requirement that an individual verbally or physically resist unwelcome sexual contact for there to be a violation of this Policy.

Consent is not to be inferred from a current or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual consent to engage in sexual contact.

Consent to one form of sexual contact does not constitute consent to any other form of sexual contact, nor does consent to sexual contact with one person constitute consent to sexual contact with any other person.

Additionally, consent to sexual contact on one occasion is not consent to engage in sexual contact on another occasion. A person's manner of dress does not constitute consent.

Consent cannot be obtained by coercion or force or by taking advantage of one's inability to give consent because of Incapacitation or other circumstances. Under Illinois law, a person must be at least 17 years old in order to give consent to Sexual Intercourse. It is also illegal in Illinois for a person 17 years old or older to commit sexual acts on or with a person under the age of 18 if they have a position of authority or trust over that person.

A person who has given consent to engage in sexual contact may withdraw consent at any time. However, withdrawal of consent requires an outward demonstration, through understandable words or actions that clearly conveys that the person is no longer willing to engage in sexual contact. Once consent is withdrawn, the sexual contact must cease immediately.

Incapacitation

An individual who is incapacitated is unable to give Affirmative Consent. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact.

Alcohol or drug use is one of the prime causes of Incapacitation. Where alcohol or drug use is involved, Incapacitation is a state beyond intoxication, impairment in judgment, or "drunkenness." Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Affirmative Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

- Making decisions about the potential consequences of sexual contact;
- Appraising the nature of one's own conduct;
- Communicating Affirmative Consent to sexual contact; or
- Communicating unwillingness to engage in sexual contact.

Where an individual's level of impairment does not rise to Incapacitation, it is still necessary to evaluate the impact of intoxication from drug or alcohol use on Affirmative Consent. In evaluating whether Affirmative Consent was sought or given, the following factors may be relevant:

- Intoxication may impact one's ability to give Affirmative Consent and may lead to Incapacitation (the inability to give Affirmative Consent).
- A person's level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include difficulty walking, poor judgment, difficulty communicating, slurred speech, or vomiting.
- An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism.

- No matter the level of an individual's intoxication, if that individual has not affirmatively agreed to engage in sexual contact, there is no Affirmative Consent.

Anyone engaging in sexual contact must be aware of both their own and the other person's level of intoxication and capacity to give Affirmative Consent. The use of alcohol or drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or Incapacitation, the safest course of action is to forgo or cease any sexual contact. An individual's intoxication is never an excuse for or a defense to committing Sexual Assault and it does not diminish one's responsibility to obtain Affirmative Consent.

Domestic Violence is violence committed by a current or former spouse, intimate partner, or family member of the other person. Domestic violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Domestic violence requires more than just two people living together; the people cohabitating must be spouses, family members, or have, or have had, an intimate relationship.

Dating Violence is violence committed by a person who is or has been in a relationship of romantic or intimate nature with the other person. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of such a relationship shall take into account the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer emotional distress.

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Retaliation is defined as any adverse or negative action (or threat of an adverse or negative action) against an individual because that individual (1) in good faith, reported Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking; (2) participated as a party or witness in an investigation or a proceeding related to such allegations; or (3) is thought to have participated in a good-faith report of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, or is thought to have participated as a party or witness in an investigation of such allegations.

III. Confidentiality, Privacy, and Reporting Obligations

When making a choice about how to get help, it is important to understand the difference between seeking confidential assistance through confidential resources and making a report to AIC. Making a report to AIC means that the report, while handled with privacy, will be shared with other responsible administrators, including the Title IX Coordinator and Director of Employee Relations and Training, and will lead to further actions to respond appropriately as outlined in this Policy.

Different employees on campus have different abilities to maintain confidentiality. Most AIC community members, including faculty and staff members, cannot maintain confidentiality because of legally-imposed reporting obligations. In these circumstances, AIC is committed to maintain the privacy of the information shared. The terms "confidentiality" and "privacy" are defined below.

A. Definitions

Confidentiality, as used in this Policy, refers to a legal obligation not to disclose information without the express written permission of the individual who provided the information, with certain exceptions, such as if there is a continuing threat of serious harm to self or others or another legal obligation to reveal such information (e.g., where there is suspected sexual abuse or neglect of a minor). Only the professional counselors in SAIC's Counseling Services, the nurses in Health Services, and the Confidential Advisor

(“Confidential Resources”) can maintain confidentiality. These Confidential Resources are available only to students. The Confidential Resources provide support to students who have experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, and they are not required to report information to the Title IX Coordinator. The Confidential Resources will not report to the Title IX Coordinator or Director of Employee Relations and Training any personally identifiable information about a student; however, they will provide aggregate data about incidents of Sexual Assault, Domestic Violence, Dating Violence, and Stalking to the Title IX Coordinator.

Various off-campus resources available to anyone, such as counselors, advocates, and health care providers, will also generally maintain confidentiality and not share information with AIC unless the individual providing the information requests disclosure and signs a consent form. The Employee Assistance Program (800.311.4327), which is available to faculty and staff, is considered a confidential off-campus resource even though it is paid for by AIC.

Privacy generally means that information related to a report will be shared only with those employees who “need to know” in order to assist in the review, investigation, or resolution of the report. While not bound by confidentiality, individuals who receive private information will be discreet and do their best to respect the privacy of all individuals involved in the process. If an investigation is required, the information may also be shared with the alleged offender or others as required to conduct a complete and fair investigation. Although AIC manages private information with discretion, it is not possible to maintain confidentiality for any information other than information provided to the Confidential Resources as noted in the definition of *Confidentiality* provided above.

B. Reporting Obligations

All AIC and SAIC staff (excluding Confidential Resources), SAIC student Teaching Assistants and Resident Advisors, and volunteers are required to report incidents of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking to SAIC’s Title IX Coordinator or to Employee Relations. This allows AIC to provide resources and support to those who have experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking and to take consistent action to respond to reports of such conduct. In these circumstances, AIC is committed to maintain privacy. AIC does not publicize the name of crime victims nor does it include identifiable information in Campus Security’s Daily Crime Log. Please see Annual Security Report at https://www.saic.edu/sites/default/files/security_fire_safety_report.pdf

IV. Making a Report

A. How to Report

AIC has professionals who are trained to receive reports and provide assistance. Reports can be made in person to the individuals listed below or electronically. Electronic reports may be submitted anonymously at the reporter’s option at <http://www.saic.edu/lifeatsaic/stopsexualviolence/makeareport/>. For the remainder of this Policy, the person making the report will be referred to as the “Complainant” and the person alleged to have violated the Policy will be referred to as the “Respondent.”

If a Complainant tells an employee (other than those who are Confidential Resources as described in Section III) about an incident of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, but requests that their name not be disclosed to the Respondent or that the Title IX Office not investigate or pursue action against the Respondent, the Title IX Coordinator will need to determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all community members.

If the Title IX Coordinator determines that it must disclose the Complainant’s identity to the Respondent, the Title IX Coordinator will advise the Complainant of this decision and will endeavor to do so prior to making the disclosure. In addition, at the request of the Complainant, AIC will inform the Respondent that the decision to go forward was made by SAIC rather than the Complainant.

If the Complainant chooses not to inform AIC of the Respondent’s name, the Title IX Office’s ability to investigate and take appropriate action may be limited.

In some cases, the Title IX Coordinator may determine that the report, even if substantiated, is insufficient to state a violation of the Policy and will notify the Complainant that the matter will be closed without a referral for either informal or formal resolution.

	Making a Report
For All Community Members	SAIC Campus Security 312.899.1230 Available 24 hours a day, seven days a week
	Lumturije “Luma” Akiti Title IX Coordinator 116. S. Michigan Ave., 12th Floor Chicago, IL 60603 312.499.4165 lakiti@saic.edu D. Lance Lockett Deputy Title IX Coordinator 116 S. Michigan Ave., 12th Chicago, IL 60603 312.629.3381 dlockett@saic.edu
For Students	Lumturije “Luma” Akiti Title IX Coordinator 312.499.4165 116. S. Michigan Ave., 12th Floor Chicago, IL 60603 lakiti@saic.edu Mike Blackman (or designee)* – Office of Student Affairs (Intake Person) Assistant Dean of Student Affairs for Student Support and Conflict Resolution 312.629.6725 36 S. Wabash Avenue, Suite 1204 Chicago, IL 60603 mblackman@saic.edu *When Mike is not available, a Dean on Call will serve as the intake for student reports. Deans on Call are staff members in the Office of Student Affairs who have received training in responding to issues of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking. A Dean on Call is available 24 hours a day.
For Faculty	Lumturije “Luma” Akiti Title IX Coordinator 312.499.4165 116. S. Michigan Ave., 12th Floor Chicago, IL 60603 lakiti@saic.edu Raja El Halwani Faculty Liaison 312.345.3751 37 S. Wabash Avenue, Suite 816 Chicago IL 60603 relhalwani@saic.edu

For Staff & Visitors	<p>Lumturiye “Luma” Akiti Title IX Coordinator 312.499.4165 116. S. Michigan Ave., 12th Floor Chicago, IL 60603 lakiti@saic.edu</p> <p>Timeka Young Employee Relations and Training Manager 312.629.3378 116 S. Michigan Ave., 12th Floor Chicago, IL 60603 tyoung6@artic.edu</p> <p>Alan Hooker Employee Relations and Training Manager 312.629.3385 116 S. Michigan Ave., 12th Floor Chicago, IL 60603 ahooker@artic.edu</p>
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B. Written Notice Provided by AIC

When an AIC community member reports to AIC that they have been a victim of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, AIC will give them a written explanation of their rights and options, as described in this Policy, including, but not limited to:

- Confidentiality, Privacy, and Reporting Obligations, Section III
- Making a Report, Section IV.A
- Supportive Measures, Section V
- Resources, Section VII
- Information Regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking, Section VIII
- Orders of Protection, Section X

V. Supportive Measures

AIC will provide information about interim protective measures to the individual who makes a report and will arrange such measures if the individual requests them and they are reasonably available. AIC will also provide such measures, if reasonably available, upon the request of the individual who is the subject of a report. Examples of supportive measures include: mutual no contact instructions, changes to academic or work schedules such as extension of deadlines or other course-related adjustments, leaves of absence, or housing, counseling services, campus escort services, and increased security and monitoring of certain areas of the campus. Although supportive measures are not punitive or disciplinary in nature, they may impose a burden, albeit a reasonable one, on a member or members of SAIC’s community. AIC will maintain as private any supportive measures provided to an individual, except as necessary to provide the supportive measure; for example, both individuals would be informed of a mutual no contact instruction. The Title IX Office also reassesses the availability and implementation of supportive measures on an ongoing basis.

VI. Process & Applicable Procedures

A. Informal Resolution

In a diverse community, disagreements and conflicts of various degrees of seriousness are inevitable. In many instances, an informal approach can be useful in resolving instances of inappropriate conduct. Problems are sometimes easier to resolve in an informal atmosphere that encourages people to identify the difficulty, talk it out, and agree how to deal with it.

An informal process is a flexible approach to resolving disagreements. As a result, there is no fixed format. It can involve a meeting between the two parties to facilitate an informal discussion, arranging to channel communications through a third party if the parties do not want to meet, or some other approach suitable to the circumstances. In some cases, both parties have to agree to the informal resolution process.

If a Complainant wishes to pursue an informal process, the Title IX Coordinator or designee will facilitate it. If the Complainant and the facilitator are satisfied the issue has been resolved, no further action will be taken. If an informal process ends without a satisfactory resolution, the Complainant may choose to pursue a formal process if they wish. An informal process is voluntary; a Complainant does not have to agree to an informal process and if they do pursue an informal resolution, the Complainant may end it at any time. Note: Face-to-face mediation (even on a voluntary basis) is not appropriate or permitted if there are allegations of sexual assault.

If an informal process is not used or fails to resolve the matter, the Title IX Coordinator will promptly initiate an investigation. The Title IX Coordinator is responsible for overseeing the investigation and for determining the appropriate scope of the investigation.

B. Formal Process

The Title IX Coordinator will determine the next steps in the process based on the identity of the Respondent.

- If the Respondent is a student, the Title IX Coordinator will oversee the investigation; the Vice President and Dean of Student Affairs (“VPSA”) will decide whether a policy violation occurred and if so, the appropriate sanction; and any appeals will be decided by the Provost. The investigation and resolution of matters in which the Respondent is a student are governed by Section C of this Policy and the Student Conduct Procedures. Anyone with a report that a student engaged in Sexual Assault, Domestic Violence, Dating Violence, and/ or Stalking should refer to that section of this Policy and the Student Conduct Procedures. The Student Conduct Procedures may be found here: <https://www.saic.edu/sites/default/files/Student%20Handbook.pdf>
- If the Respondent is a faculty member, the Title IX Coordinator will oversee the investigation in consultation with the Faculty Liaison; the Dean of Faculty and Vice President for Academic Affairs will decide whether a policy violation occurred and if so, the appropriate sanction; and any appeals will be decided by the Dean of Faculty and Vice President for Academic Affairs. . The investigation and resolution of matters in which the Respondent is a faculty member are governed by Section D of this Policy, and anyone with a report that a faculty member engaged in Sexual Assault, Domestic Violence, Dating Violence, and/ or Stalking should refer to that section of this Policy.
- If the Respondent is a staff member, the Title IX Coordinator and the Director of Employee Relations will oversee the investigation; the Chief Human Resources Officer will decide whether a policy violation occurred and if so, the appropriate sanction; and the Chief Human Resources Officer will also decide any appeals. The investigation and resolution of matters in which the Respondent is a staff member are governed by Section E of this Policy. Anyone with a report that a staff member engaged in Sexual Assault, Domestic Violence, Dating Violence, and/ or Stalking should refer to that section of this Policy.
- The Title IX Coordinator will determine the appropriate process to be used, including who will conduct the investigation and who will decide the matter (including appeals), in the following circumstances: (a) if the Respondent is a third party on our premises or in an AIC program, (b) if the Respondent has dual status in the community (such as a student employee or a staff member who also teaches), and (c) if the Respondent alleges that the Complainant also violated this Policy or another policy so that there are cross-reports from the Complainant against the Respondent and the Respondent against the Complainant. In these cases, the Title IX Coordinator may use one of the processes outlined above or may combine or coordinate processes as appropriate to the circumstances. The Title IX Coordinator

will notify both the Complainant and the Respondent of the process to be used.

AIC administrators involved in the investigation and resolution of reports of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking receive annual training on these issues. It is the responsibility of AIC, not the involved parties, to gather the relevant information relating to the report of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking.

C. Procedures Applicable to Students

If the Respondent is a student, the Student Conduct Procedures will be utilized for the investigation, resolution, and any appeal, in conjunction with the terms set forth below. The Student Conduct Procedures are in the Student Handbook and may be found here: <https://www.saic.edu/sites/default/files/Student%20Handbook.pdf>

1. Investigation. The Title IX Coordinator will designate an investigator (“Investigator”), generally a member of their staff, to investigate the report. The Investigator is responsible for ensuring that the investigation is prompt, thorough, and fair. During the investigation, both the Complainant and the Respondent will be offered the opportunity to explain their understanding of the circumstances and offer any additional information they believe is relevant. AIC may also meet with and/or gather information from other individuals who may have relevant information.

2. Time Frame for Investigation and Resolution. AIC endeavors to complete the investigation and resolution of a report of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking as promptly as possible. As a general matter, AIC strives to complete its investigation and resolution (excluding any appeal) of this type of report within ninety (90) calendar days; however, the timeframe for resolution of any particular report will depend on a variety of factors, such as the complexity of the investigation and the severity and extent of the alleged conduct. In addition, if there is a parallel criminal investigation or if the process occurs partially during school breaks, the time needed for investigation and resolution may exceed ninety (90) days. If the Title IX Coordinator determines that it must extend the time frame for investigation and resolution of a report, it will provide written notice to the Complainant and the Respondent of the revised time frame.

3. Advisors. During any investigation into a report of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, the Complainant and Respondent have the right to be assisted by an advisor. The advisor’s role can include helping the Complainant/Respondent prepare their statements (whether written or oral) and/or being a nonparticipating supporter at any meeting that may occur. However, the Complainant/Respondent must speak for themselves and present information on their own. While the party may consult with the advisor, the advisor may not present information or make statements or arguments during any meetings that may occur. Furthermore, the advisor may only be present when the person whom they are advising is also present. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. An individual may not serve as an advisor if they are a witness or otherwise have information relevant to the report. If either the Complainant or the Respondent intends to bring an advisor to a meeting, then, in advance of the meeting, the party must notify the VPSA in writing of the advisor’s name, occupation, relationship to the party, and relationship to the School, if any. Additional information regarding the role of an advisor in a Student Conduct Meeting is set forth in the Student Conduct Procedures in the Student Handbook, Section 2(D). A party may choose to consult with an attorney of their choice at their own expense. Because attorneys for AIC represent AIC rather than any individual, these attorneys are not available to advise the Complainant or Respondent.

4. Notice of Meetings. The Complainant and the Respondent will receive timely notice of meetings at which the Complainant, the Respondent, or both, are invited to be present.

5. Information Available. The Complainant and the Respondent will be provided with timely and equal access to any information that will be reviewed during the Student Conduct Meeting. After receipt of this information, both the Complainant and the Respondent have the opportunity to respond in writing to provide additional information and/or to submit questions to the VPSA that they suggest be posed to the other during the Student Conduct Meeting. The VPSA shall determine, in an exercise of their discretion, whether to pose such questions.

6. Conflict of Interest. Both the investigation and the Student Conduct Meeting will be conducted by School administrators who do not have a conflict of interest or a potential conflict of interest with the Complainant or the Respondent (e.g., because of familial, intimate, financial, business, or other relationship). An administrator will be considered to have a conflict of interest in the event of a circumstance that would prevent them from being impartial in their review of the report. For example, no administrator should conduct the investigation or serve on a Student Conduct Board if their actions are the subject of the report.

The Complainant and Respondent shall be given prior notice of the individual(s) who will investigate a report or participate in Student Conduct Meetings. Within twenty-four (24) hours of receiving this notice, the Complainant and/or the Respondent shall notify the VPSA if they believe that any of those individuals has a conflict of interest. The notification shall include the basis of the alleged conflict. The VPSA shall determine whether the alleged conflict disqualifies that individual. If an individual is disqualified, the VPSA will select a substitute and the process for identifying conflicts set forth above shall be followed for any such additional individuals.

7. *Resolution.* Refer to the Student Conduct Procedures in the Student Handbook.

8. *Sanctions.* Potential sanctions are set forth in the Student Conduct Procedures section of the Student Handbook under Sanctions.

9. *Simultaneous Notification of Decision.* The Complainant and the Respondent will be simultaneously notified, in writing, of the decision whether a violation of this Policy was found to have occurred; if so, the sanction; the rationale for the result and any sanction; and the appeal process. The Complainant will also be notified of any individual remedies offered or provided to the Complainant and steps AIC has taken to eliminate the hostile environment, if AIC finds one to exist, and prevent recurrence.

10. *Appeal.* Either the Complainant or the Respondent may appeal the decision made by the VPSA within five (5) business days after receiving notice of the decision. An appeal must be made to the Title IX Coordinator. An appeal must be made in writing, and must state the basis for the appeal. Appeals are only permitted to proceed if the written notice of the appeal identifies (a) a procedural error that allegedly occurred; (b) new information that was not available at the time of the Student Conduct Meeting and that would substantially change the outcome, or (c) one or more reasons why the sanction is disproportionate with the violation.

The appeal shall be decided by the Provost or their designee. The Title IX Coordinator will advise both the Complainant and the Respondent of the individual who will decide the appeal ("Appeal Reviewer"). Within twenty-four (24) hours of receiving this notice, the Complainant and/or the Respondent shall notify the Title IX Coordinator if they believe that the Appeal Reviewer has a conflict of interest that would preclude them from deciding the appeal. The notification shall include the basis of the alleged conflict. The Title IX Coordinator shall determine whether the alleged conflict disqualifies that individual. If an individual is disqualified from a particular appeal, the School will select a substitute and the process for identifying conflicts set forth above shall be followed.

After the Appeal Reviewer is determined, they will first evaluate the notice of appeal to determine whether one of the three bases for appeal is alleged. If not, the appeal will be dismissed. If so, the Appeal Reviewer will notify the Complainant and the Respondent that the appeal is under consideration as well as whether any change to the prior decision will be made pending resolution of the appeal. The Appeal Reviewer may undertake any inquiries that they deem appropriate, including but not limited to requesting the Title IX Coordinator's office to conduct additional investigation. Following their examination of the matter, the Appeal Reviewer may grant or deny the appeal or take any action that they deem appropriate. The Appeal Reviewer will simultaneously notify the Complainant and the Respondent, in writing, of the decision on appeal, any changes to the result, and that the decision is final. This notice must be provided within seven (7) business days of the decision of the appeal. The Appeal Reviewer will also notify the VPSA of the decision.

Underage Drinking/Drug Protection: SAIC will not find a student responsible for violating the School's Rules of Conduct with respect to use of alcohol or drugs if they are sexually assaulted while under the influence of alcohol or drugs or if they report, in good faith, an alleged violation of this Policy and were engaged in underage drinking or illegal use of drugs during the incident. However, the School may provide referrals to counseling and/or require educational sessions to address the alcohol or drug use in such cases. Excluded from this protection are all students accused of encouraging or voluntarily participating in the assault/sexual assault.

D. Procedures Applicable to Faculty

In reports where the Respondent is a faculty member, the following procedures will be used to ensure a prompt, fair, and impartial process.

1. *Investigation.* The Title IX Coordinator will designate an investigator ("Investigator"), generally a member of their staff, to investigate the report. The Investigator is responsible for ensuring that the investigation is prompt, thorough, and fair. The Investigator will collaborate with the Faculty Liaison on the investigation.

During the investigation, both the Complainant and the Respondent will be offered the opportunity to explain

their understanding of the circumstances and offer any additional information that they believe is relevant. The Investigator may also meet with and/or gather information from other individuals who may have relevant information.

2. Time Frame for Investigation and Resolution. AIC will endeavor to complete the investigation and resolution of a report of Sexual Assault, Domestic Violence, Dating Violence, and/ or Stalking as promptly as possible. As a general matter, AIC strives to complete its investigation and resolution (excluding any appeal) of this type of report within ninety (90) calendar days; however, the time frame for resolution of any particular report will depend on a variety of factors, such as the complexity of the investigation and the severity and extent of the alleged conduct. In addition, if there is a parallel criminal investigation or if the process occurs partially during school breaks, the time needed for investigation and resolution may exceed ninety (90) days. If the Title IX Coordinator determines that it must extend the time frame for investigation and resolution of a report, it will provide written notice to the Complainant and the Respondent of the revised time frame.

3. Advisors. During any investigation into a report of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, the Complainant and Respondent have the right to be assisted by an advisor. The advisor's role can include helping the Complainant/Respondent prepare their statements (whether written or oral) and/or being a nonparticipating supporter at any meeting that may occur. However, the Complainant/Respondent must speak for themselves and present information on their own. While the party may consult with the advisor, the advisor may not present information or make statements or arguments during any meetings that may occur. Furthermore, the advisor may only be present when the person whom they are advising is also present. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. An individual may not serve as an advisor if they are a witness or otherwise have information relevant to the report. If either the Complainant or the Respondent intends to bring an advisor to a meeting, then, in advance of the meeting, the party must notify the Title IX Coordinator in writing of the advisor's name, occupation, relationship to the party, and relationship to the School, if any. A party may choose to consult with an attorney of their choice at their own expense. Because attorneys for AIC represent AIC rather than any individual, these attorneys are not available to advise the Complainant or Respondent.

4. Notice of Meetings. The Complainant and the Respondent will receive timely notice of meetings at which the Complainant, the Respondent, or both, are invited to be present.

5. Information Available. The Complainant and the Respondent will be provided with timely and equal access to investigative materials submitted by the Investigator as well as any other information that the Dean of Faculty will review in reaching a decision.

6. Conflict of Interest. Both the investigation and resolution of a report will be conducted by School administrators who do not have a conflict of interest or a potential conflict of interest with the Complainant or the Respondent (e.g., because of familial, intimate, financial, business or other relationship). An administrator will be considered to have a conflict of interest in the event of a circumstance that would prevent them from being impartial in their review of the report. For example, no administrator should conduct the investigation or make the determination if their actions are the subject of the report. If a question arises as to whether the Investigator, the Faculty Liaison, or the Dean of Faculty has a conflict of interest, the Title IX Coordinator will review the alleged conflict and determine whether a conflict exists and, if so, will designate another administrator to perform the role of the disqualified administrator.

7. Resolution. Upon completion of the investigation, the Dean of Faculty will determine whether the Respondent violated this Policy. The determination shall be made on the basis of whether it is more likely than not that the Respondent violated this Policy. If the Dean of Faculty determines that the Respondent violated this Policy, then they will also determine the appropriate sanction and take prompt and appropriate action to stop the prohibited conduct. The Dean of Faculty will also take action to ensure that the violation will not recur. Even where a violation is not found, it may be appropriate to counsel individuals regarding their behavior.

8. Sanctions. Violations of this Policy can lead to corrective action ranging from a notation in the Respondent's file, up to and including termination. In cases where the Dean of Faculty determines that termination is the appropriate sanction, they must first advise the President of the School. If the President agrees, the faculty member will be terminated immediately, except that faculty members with tenure or whose term appointment has not expired. For those faculty, the matter will proceed in accordance with Section 9.C., AAUP Statements on Academic Due Process Procedures, in the Faculty Handbook Supplement. If the President disagrees with the Dean of Faculty's determination that the Respondent should be terminated, the Dean will determine an appropriate alternative sanction.

9. Simultaneous Notification of Decision. The Complainant and the Respondent will be simultaneously notified, in writing, of the decision whether a violation of this Policy was found to have occurred; if so, the sanction; the rationale for the result and any sanction; and the appeal process. The Complainant will also be notified of any individual remedies offered or provided to the Complainant and steps the Dean of Faculty has taken to eliminate the hostile environment, if the Dean of Faculty finds one to exist, and prevent recurrence.

10. Appeal. Either the Complainant or the Respondent may appeal the decision of the Dean of Faculty within five (5) business days after receiving notice of the decision. The Dean of Faculty has the discretion to decide whether any sanction that may have been imposed will be carried out, revised, or held in abeyance during this five (5) day period and also while an appeal is being considered and decided. An appeal must be made in writing, must be submitted to the Dean of Faculty, and must state the basis for appeal. Appeals are only permitted to proceed if the written notice of appeal identifies new information that was not available at the time of the investigation and resolution and the new information would substantially change the outcome. If the notice indicates that there is such new information, the Dean of Faculty will notify the Complainant and the Respondent of the need to follow up on the new information. The Dean of Faculty may undertake any inquiries that they deem appropriate, including but not limited to requesting the Title IX Coordinator's office to conduct additional investigation. Following their examination of the matter, the Dean of Faculty may grant or deny the appeal or take any action that they deem appropriate. The Dean of Faculty will notify the Complainant and the Respondent simultaneously, in writing, of the decision on the appeal, any changes to the result, and that the decision is final.

E. Procedures Applicable to Staff

In matters where the Respondent is a staff member, the following procedures will be used to ensure a prompt, fair, and impartial process.

1. Investigation. The Title IX Coordinator will designate an investigator ("Investigator"), generally a member of their staff, to conduct an investigation into the report. The Investigator is responsible for ensuring that the investigation is prompt, thorough, and fair. During the investigation, the Respondent and the Complainant will each be offered the opportunity to explain their understanding of the circumstances and offer any additional information that they believe is relevant. The investigation typically includes interviews with the Complainant, the Respondent, and any witnesses.

2. Time Frame for Investigation and Resolution. AIC will endeavor to complete the investigation and resolution of a report of Sexual Assault, Domestic Violence, Dating Violence, and/ or Stalking as promptly as possible. As a general matter, AIC strives to complete its investigation and resolution (not including any appeal) of this type of report within ninety (90) calendar days; however, the time frame for resolution of any particular report will depend on a variety of factors, such as the complexity of the investigation and the severity and extent of the alleged conduct. In addition, if there is a parallel criminal investigation or if the process occurs partially during school breaks, the time needed for investigation and resolution may exceed ninety (90) days. If the Title IX Coordinator determines that it must extend the time frame for investigation and resolution of a report, it will provide written notice to the Complainant and the Respondent of the revised time frame.

3. Advisors. During any investigation into a report of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, the Complainant and Respondent have the right to be assisted by an advisor. The advisor's role can include helping the Complainant/Respondent prepare their statements (whether written or oral) and/or being a nonparticipating supporter at any meeting that may occur. However, the Complainant/Respondent must speak for themselves and present information on their own. While the party may consult with the advisor, the advisor may not present information or make statements or arguments during any meetings that may occur. Furthermore, the advisor may only be present when the person whom they are advising is also present. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. An individual may not serve as an advisor if they are a witness or otherwise have information relevant to the report. If either the Complainant or the Respondent intends to bring an advisor to a meeting, then, in advance of the meeting, the party must notify the Title IX Coordinator in writing of the advisor's name, occupation, relationship to the party, and relationship to the School, if any. A party may choose to consult with an attorney of their choice at their own expense. Because attorneys for AIC represent the AIC rather than any individual, these attorneys are not available to advise the Complainant or Respondent.

4. Notice of Meetings. The Complainant and the Respondent will receive timely notice of meetings at which the Complainant, the Respondent, or both, are invited to be present.

5. Information Available. The Complainant and the Respondent will be provided with timely and equal access to information that the Chief Human Resources Officer will review in reaching a decision on the resolution of

the report.

6. *Conflict of Interest.* Both the investigation and resolution of a report will be conducted by administrators who do not have a conflict of interest or a potential conflict of interest with the Complainant or the Respondent (e.g., because of familial, intimate, financial, business or other relationship). An administrator will be considered to have a conflict of interest in the event of a circumstance that would prevent them from being impartial in their review of the report. For example, no administrator should conduct the investigation or make the determination if their actions are the subject of the report. If a question arises as to whether the Investigator or the Chief Human Resources Officer has a conflict of interest, the Title IX Coordinator will review the alleged conflict and determine whether a conflict exists and, if so, will designate another administrator to perform the role of the disqualified administrator.

7. *Resolution.* Upon completion of the investigation, the Chief Human Resources Officer will determine whether the Respondent violated this Policy. The determination shall be made on the basis of whether it is more likely than not that the Respondent violated this Policy. If a violation is found, the Chief Human Resources Officer will then determine the appropriate sanction and take prompt and appropriate action to stop the prohibited conduct. The Chief Human Resources Officer will also take action to ensure that the violation will not recur. Even where a violation is not found, it may be appropriate to counsel individuals regarding their behavior.

8. *Sanction.* Violations of this Policy can lead to corrective action ranging from a notation in the Respondent's file, up to and including termination.

9. *Simultaneous Notification of Decision.* The Complainant and the Respondent will be simultaneously notified, in writing, whether a violation of this Policy was found to have occurred; if so, the sanction; the rationale for the result and any sanction; and the appeal process. The Complainant will also be notified of any individual remedies offered or provided to the Complainant and the steps the Chief Human Resources Officer has taken to eliminate the hostile environment, if the Chief Human Resources Officer finds one to exist, and prevent recurrence.

10. *Appeal.* Either the Complainant or the Respondent may appeal the decision of the Chief Human Resources Officer within five (5) business days after receiving notice of the decision. The Chief Human Resources Officer has the discretion to decide whether any sanction that may have been imposed will be carried out, revised, or held in abeyance during this five (5) day period and also while an appeal is being considered and decided. An appeal must be made in writing, must be submitted to the Chief Human Resources Officer, and must state the basis for appeal. Appeals are only permitted to proceed if the written notice of appeal identifies new information that was not available at the time of the investigation and resolution and the new information would substantially change the outcome of the finding. If the notice indicates that there is such new information, the Chief Human Resources Officer will notify the Complainant and the Respondent of the need to follow up on the new information. The Chief Human Resources Officer may undertake any inquiries that they deem appropriate. Following their examination of the matter, the Chief Human Resources Officer may grant or deny the appeal or take any action that they deem appropriate, including but not limited to requesting the Title IX Coordinator's office to conduct additional investigation. The Chief Human Resources Officer will notify the Complainant and the Respondent simultaneously, in writing, of the decision on the appeal, any changes to the result, and that the decision is final.

VII. Resources

AIC is committed to providing support and resources that are broadly accessible to all AIC community members.

Anyone who has experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking is urged to immediately seek help. Help includes seeking medical assistance, seeking confidential counseling or crisis response, filing a report with law enforcement, and/or making a report to AIC. The Title IX Office will help any individual who has experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, including providing transportation to the hospital, assisting with contacts to law enforcement, and offering information about resources. Although AIC encourages all members of its community to report any incidents of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking to the police, the individual who experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking may choose not to make a report to the police.

Emergency Resources

<u>On-Campus Resources</u>	
<i>SAIC Campus Security</i> 312.899.1230 Available 24/7 Ask to speak to supervisor on duty	
<u>Off-Campus Resources</u>	

<i>Northwestern Memorial Hospital Emergency Department</i> 250 E. Erie St. 312.926.5188 <i>Hospitals are required to provide a no-cost medical examination for a person who has experienced sexual assault.</i>	<i>Chicago Police Emergency</i> Call 911
	<i>Chicago Police Department</i> 1718 S. State St. 312.745.4290

Confidential Resources (Medical/Counseling/Advocacy)

<u>On-Campus Resources</u>	
<i>Confidential Advisor (Students)</i> Teresa J. Sit 312.499.4271 tsit@saic.edu	<i>Counseling Services (Students)</i> 312.499.4271 counselingservices@saic.edu
<i>Health Services (Students)</i> 312.499.4288 healthservices@saic.edu	<i>Employee Assistance Program (Faculty/Staff)</i> 800.311.4327
<u>Off-Campus Resources</u>	
<i>Northwestern Memorial Hospital Emergency Department</i> 250 E. Erie St. 312.926.5188	<i>City of Chicago Domestic Violence Helpline</i> 877.863.6338
<i>Center on Halsted</i> 773.472.6469 LGBTQ Violence Resource Line 773.871.2273	<i>Porchlight Counseling Services</i> Evanston, IL 773.750.7077
<i>KAN-WIN (multilingual advocacy)</i> 773.583.1392 kanwin.org	
<i>Resilience</i> 180 N. Michigan Ave., Suite 600 312.443.9603	<i>YWCA Metropolitan Chicago</i> 1 N. LaSalle St., Suite 1150 312.372.6600

Additional Resources

<u>On-Campus Resources</u>
<i>SAIC Student Financial Services (financial assistance)</i> 312.629.6660 (extension 9 for Receptionist) 36 S. Wabash Ave., Suite 1200 Chicago, IL 60603
<u>Off-Campus Resources</u>

<ul style="list-style-type: none">• <i>Life Span Center for Legal Services & Advocacy</i> 70 E. Lake Street, Suite 600 312.408.1210 life-span@life-span.org	<i>Legal Assistance Foundation of Chicago</i> lafchicago.org
	<i>National Immigrant Justice Center</i> 208 S. LaSalle St., Suite 1300 312.660.1370 immigrantjustice.org

Additional information on what to do if you have experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking is available in Section VIII, *Information Regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking*.

VIII. Information Regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking

What to Do if You are the Victim of Sexual Assault

These are important steps to take right away after an assault:

- Get away from the person who assaulted you and to a safe place as fast as you can. Then call 911.
- Call a friend or family member you trust. You may also want to call a crisis center or a hotline to talk with a counselor. Hotline resources include the National Sexual Assault Hotline at 800.656.HOPE (4673) or the Chicago Rape Crisis Hotline (888.293.2080). Feelings of shame, guilt, fear, and shock are normal. It is important to get counseling from a trusted professional.
- Do not wash, comb, or clean any part of your body. Do not change clothes if possible, so that hospital staff can collect evidence. Do not touch or change anything at the scene of the assault. The police or other investigators may be able to collect more evidence if the scene has not been cleaned or disturbed.
- Go to your nearest hospital emergency room as soon as possible. You need to be examined, treated for any injuries, and screened for possible sexually transmitted infections (STIs) or pregnancy. The doctor will collect evidence using a rape kit for fibers, hairs, saliva, semen, or clothing that the person who assaulted you may have left behind. This evidence may help the police and prosecutors find and charge the perpetrator or may help you if you seek an order of protection. Illinois law requires hospitals to provide free treatment to sexual assault survivors. You may want to contact the Rape Victim Advocates to assist you.

While at the hospital:

- If you decide you want to file a police report, you or the hospital staff can call the police from the emergency room.
- Ask the hospital staff to connect you with the local rape crisis center. The center staff can help you

make choices about reporting the attack and getting help through counseling and support groups.

Adapted from womenshealth.gov

Domestic Violence or Dating Violence—Warning Signs and How to Get Help

Domestic Violence or Dating Violence can happen to anyone of any race, age, sexual orientation, religion, or gender. It can happen to couples who are married, living together, or dating. Domestic Violence or Dating Violence affects people of all socioeconomic backgrounds and education levels.

The following are not necessarily Policy violations; whether there is a Policy violation depends on the specific circumstances. However, these are some warning signs that you may be experiencing emotional or physical abuse if your partner has done or repeatedly does any of the following:

- Monitors what you're doing all the time
- Unfairly accuses you of being unfaithful all the time
- Prevents or discourages you from seeing friends or family
- Prevents or discourages you from going to work or school
- Gets very angry during and after drinking alcohol or using drugs
- Controls your use of needed medicines
- Decides things for you that you should be allowed to decide (like what to wear or eat)
- Humiliates you in front of others
- Destroys your property or things that you care about
- Threatens to hurt you, the children, or pets
- Hurts you (by hitting, beating, pushing, shoving, punching, slapping, kicking, or biting)
- Uses (or threatens to use) a weapon against you
- Forces you to have sex against your will
- Controls your birth control or insists that you get pregnant
- Blames you for their violent outbursts
- Threatens to self-harm when upset with you
- Says things like, "If I can't have you then no one can."

If you think someone is abusing you, get help. Abuse can have serious physical and emotional effects. No one has the right to hurt you.

Adapted from womenshealth.gov

How to Get Help

- Contact the Chicago Police Department (911), Campus Security (312.899.1230), or the Domestic Violence Hotlines (national: 800.799.7233; Chicago/local: 877.863.6338) to get information on campus and local resources as well as your legal options. Please see Section III, Difference between Confidentiality and Privacy, which explains the duties of various AIC employees with respect to confidentiality.
- Identify your partner's use and level of force so that you can assess the risk of physical danger to you and others before it occurs.
- If possible, have a phone accessible at all times and know what numbers to call for help. Know where the nearest public phone is located. Know the phone number to your local battered women's shelter. If

your safety is at risk, call the Chicago Police Department (911).

- Let trusted friends and neighbors know of your situation and develop a plan and visual signal for when you need help.

Adapted from the National Domestic Violence Hotline: thehotline.org

Stalking—Warning Signs and How to Get Help

Stalking is a crime. A stalker can be someone you know well or not at all. Most stalkers have dated or been involved with the people they stalk. The following are not necessarily Policy violations; whether there is a Policy violation depends on the specific circumstances. However, these are some warning signs that you may be experiencing stalking. Stalkers may:

- Repeatedly call you, including hang-ups or contact you repeatedly through electronic communication and social media
- Follow you and show up wherever you are
- Send unwanted gifts, letters, texts, or emails
- Damage your home, car, or other property
- Monitor your phone calls or computer use
- Use technology, like hidden cameras or global positioning systems (GPS), to track where you go
- Drive by or hang out at your home, school, or work
- Threaten to hurt you, your family, friends, or pets
- Find out about you by using public records or online search services, hiring investigators, going through your garbage, or contacting friends, family, neighbors, or coworkers
- Other actions that control, track, or frighten you

Adapted from the National Center for Victims of Crime: victimsofcrime.org

How to Get Help if You Are Being Stalked

Stalking is unpredictable and dangerous. No two stalking situations are alike. There are no guarantees that what works for one person will work for another, yet you can take steps to increase your safety.

- If your safety is at risk, call 911.
- Trust your instincts. Don't downplay the danger. If you feel you are unsafe, you probably are.
- Take threats seriously.
- Contact Campus Security, a crisis hotline, a victim services agency, or a domestic violence or rape crisis program. They can help you devise a safety plan, give you information about local laws, refer you to other services, and weigh options such as seeking an order of protection. (For more information, see Section IV, Resources.) Please see Section III, Difference between Confidentiality and Privacy, which explains the duties of various AIC employees with respect to confidentiality.
- Develop a safety plan, including things like changing your routine, arranging a place to stay, and having a friend or relative go places with you. Also, decide in advance what to do if the stalker shows up at your home, work, school, or somewhere else. Tell people how they can help you.
- Don't communicate with the stalker or respond to their attempts to contact you.
- Keep evidence of the stalking. When the stalker follows you or contacts you, write down the time, date, and place. Keep emails, phone messages, letters, or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw.
- Contact the police, as Illinois has a stalking law. AIC staff and local resources are available to assist

should you choose to contact law enforcement.

- Consider getting a court order that tells the stalker to stay away from you.
- Tell your family, friends, roommates, coworkers, Campus Security, and the Office of Student Affairs about the stalking and seek their support.
- Keeping Safe when Traveling Around Campus and the City.
- Try to arrive at and leave social gatherings with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take their number instead of giving out yours.
- Keep track of your drinking. Watch your drink as it is made and don't leave it unattended; avoid group drinks.
- If you feel extremely tired or drunk for no apparent reason, find your friends and ask them to leave with you as soon as possible.
- Make sure your cell phone is easily accessible and fully charged.
- Be familiar with where emergency phones are installed in AIC buildings.
- Avoid dimly lit places; take major, public paths rather than less populated shortcuts.
- Pay attention to your surroundings. Avoid putting music headphones in your ears and/ or using your smartphone when walking alone.
- If walking feels unsafe, especially after dark, try to walk with a friend or contact Campus Security to request an escort or utilize the Safe Ride service (9pm-6am during fall and spring semesters) or request a Safe Walk escort (9pm-6am during summer and winter terms).
- Carry a noisemaker (like a whistle) and/or a small flashlight on your keychain.

What to Do if Someone You Know is at Risk of Sexual Assault, Domestic Violence, Dating Violence, or Stalking

AIC is a community, and we all have a responsibility to support each other. A “bystander” is someone other than the victim who is present when an act of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include:

- Not leaving an overly intoxicated person in a bar/party alone
- Calling police when a potentially violent situation is unfolding
- Not leaving an unconscious person alone; instead, alert Campus Security or a staff member
- Intervening when someone is being belittled, degraded, or emotionally abused; instead, walking the victim away from the abuser and/or contact a staff member for help

If you become aware that a member of the AIC community is the victim of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, contact the Chicago Police Department (911), Campus Security, the Title IX Coordinator, or the Director of Student Conflict Resolution. Additional resources are listed in Section VII, Resources.

IV. Education and Prevention Programs

SAIC provides education programs to promote awareness of Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new staff and faculty. It also includes ongoing awareness and prevention campaigns for students, staff, and faculty. Learning outcomes for these programs include that participants will be able to:

- Identify Sexual Assault, Domestic Violence, Dating Violence, and Stalking as prohibited conduct;
- Define Sexual Assault, Domestic Violence, Dating Violence, and Stalking under AIC's Policy and under Illinois law;
- Define behavior that constitutes consent to sexual activity under Illinois law;
- Provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking against a person other than the bystander;
- Provide information on risk reduction so that students, staff and faculty may recognize warning signs of abusive behavior and how to avoid potential attacks;
- Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act.

SAIC has developed an annual educational campaign consisting of presentations that include: New Student Orientation, New Employee Orientation, New Faculty Orientation, Communication Program (to include signage, brochures, and email), Campus Security Authority Training, Investigator/ Adjudicator Training, Web-based Manager Training, and Security Officer Training.

In addition, AIC, by means of this Policy, provides written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to those who have experienced Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, both within AIC and in the community. See Section VII, Resources.

X. Orders of Protection

Orders of protection (also referred to as restraining orders) are legal orders, put in place by a judge, that restrict or limit the amount of contact a person can have with another person.

AIC takes all existing orders of protection seriously.

If you have an order of protection, protecting you from someone else, we ask that you please inform Campus Security so that they have it on record. This will help in case there is an issue with the offender. To do so, please email Art Jackson, Director of Campus Security, ajackson@saic.edu.

If you are having an issue with a person, Campus Security can help explain the process for obtaining an order of protection.

For more information on obtaining an order of protection, please visit this website: womenslaw.org/laws_state_type.php?id=509&state_code=IL&open_id=11067

XI. Applicable Illinois State Law

Under the Violence Against Women Reauthorization Act of 2013, AIC is required to provide the following information about applicable Illinois State law.

Definition of "Consent" to Sexual Act: saic.edu/media/saic/pdfs/lifesaic/safetyandsecurity/Consent3.6.14.pdf

Illinois Domestic Violence Act of 1986: saic.edu/media/saic/pdfs/lifesaic/safetyandsecurity/ILDomestic-Violence-Act.3.6.14.pdf

Illinois Stalking Statutes

Stalking, 720 ILCS 5/12-7.3: saic.edu/media/saic/pdfs/lifesaic/safetyandsecurity/Stalking.720-ILCS-5.12-7.3.pdf

Aggravated stalking, 720 ILCS 5/12-7.4: saic.edu/media/saic/pdfs/lifesaic/safetyandsecurity/Aggravated-Stalking.720-ILCS-5.pdf

Cyberstalking, 720 ILCS 5/12-7.4: saic.edu/media/saic/pdfs/lifesaic/safetyandsecurity/Cyberstalking.720-ILCS-5.pdf

SEXUAL MISCONDUCT UNDER TITLE IX POLICY

(Effective 8/14/2020; Revised 9/8/2020)

I. Statement of Policy

Consistent with its Non-Discrimination and Equal Employment Opportunity Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (*see* 34 C.F.R. § 106 *et seq.*), the School of the Art Institute of Chicago ("SAIC") prohibits Sexual Misconduct that occurs within its Education Programs and Activities (as defined herein).

As further defined herein, Sexual Misconduct includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

SAIC also prohibits Retaliation (as defined herein) against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

False accusations, made with knowledge that they are false, are prohibited and will be treated as violations of this Policy. An individual who, in good faith, makes a report or complaint that later is not substantiated is not considered to have made a false accusation and, therefore, is not in violation of this Policy. Further, charging an individual with a violation for making a materially false statement in bad faith during a grievance proceeding under this Policy does not constitute retaliation. A determination regarding responsibility, alone, is insufficient to conclude that any party made a materially false statement in bad faith.

II. Scope of Policy

This Policy applies to Sexual Misconduct that occurs within SAIC's Education Programs and Activities, as that term is defined below, and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the SAIC community.

This policy does not apply to Sexual Misconduct that occurs off-campus, in a private setting, and outside the scope of the SAIC's Education Programs and Activities; such Sexual Misconduct may be prohibited by the Rules of Conduct in the Student Handbook, SAIC's Policies Prohibiting Discrimination, Harassment, and Retaliation, the Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence and Stalking and other SAIC policies and standards, as applicable.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this Policy does not apply to Sexual Misconduct that occurs outside the geographic boundaries of the United States, even if the Sexual Misconduct occurs in SAIC's Education Programs and Activities, such as a study abroad program. Sexual Misconduct that occurs outside the geographic boundaries of the United States is governed by the Rules of Conduct in the Student Handbook, SAIC's Policies Prohibiting Discrimination, Harassment, and Retaliation, the Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence and Stalking and other SAIC policies and standards, as applicable.

This Policy addresses conduct that is unwelcome and/or not based on consent. SAIC has an additional, separate policy that applies to consensual romantic or sexual relationships with students. That policy, called the Consensual Romantic or Sexual Relationship Policy is in the Student Handbook and Faculty Dashboard. SAIC also has separate policies that apply to discrimination, harassment, and retaliation. Please see the Discrimination, Harassment, and Retaliation policies in the Student Handbook, Faculty Dashboard, and Employee Guidelines.

III. Policy Definitions

A. Sexual Misconduct, under this Policy, includes the following definitions:

i. Sexual Harassment. Conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); or
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to SAIC's Education Programs and Activities.

ii. Sexual Assault. Conduct that includes Sexual Intercourse Without Consent, Sexual Contact Without Consent, Incest, and Statutory Rape.

- Sexual Intercourse Without Consent means having or attempting to have sexual intercourse with another individual without Affirmative Consent, as defined below. Sexual intercourse means vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact.
- Sexual Contact Without Consent means the touching of the person's breasts, anal, groin or genital areas for the purpose of sexual gratification without Affirmative Consent, as defined below.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

iii. Affirmative Consent

Consent represents the cornerstone of a respectful and healthy intimate relationship. SAIC strongly encourages its community members to communicate – openly, honestly and clearly– about their wishes and intentions when it comes to sexual behavior, and to do so before engaging in sexual conduct.

Consent is the communication of an affirmative, conscious, and freely-made decision by each participant to engage in agreed upon forms of sexual contact. Consent requires an outward demonstration, through understandable words or actions that conveys a clear willingness to engage in sexual contact.

Consent is not to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation of this Policy. For example, a person who does not physically resist or verbally refuse sexual contact may not necessarily be giving consent. There is no requirement that an individual verbally or physically resist unwelcome sexual contact for there to be a violation of this Policy.

Consent is not to be inferred from a current or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual consent to engage in sexual contact.

Consent to one form of sexual contact does not constitute consent to any other form of sexual contact, nor does consent to sexual contact with one person constitute consent to sexual contact with any other person. Additionally, consent to sexual contact on one occasion is not consent to engage in sexual contact on another occasion. A person's manner of dress does not constitute consent.

Consent cannot be obtained by coercion or force or by taking advantage of one's inability to give consent because of Incapacitation or other circumstances. Under Illinois law, a person must be at least 17 years old in order to give consent to Sexual Intercourse. It is also illegal in Illinois for a person 17 years old or older to commit sexual acts on or with a person under the age of 18 if they have a position of authority or trust over that person.

A person who has given consent to engage in sexual contact may withdraw consent at any time. However, withdrawal of consent requires an outward demonstration, through understandable words or actions that clearly conveys that the person is no longer willing to engage in sexual contact. Once consent is withdrawn, the sexual contact must cease immediately.

iv. Incapacitation

An individual who is incapacitated is unable to give Affirmative Consent. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact.

Alcohol or drug use is one of the prime causes of Incapacitation. Where alcohol or drug use is involved, Incapacitation is a state beyond intoxication, impairment in judgment, or "drunkenness." Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Affirmative Consent, requires an assessment of whether the

consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

- Making decisions about the potential consequences of sexual contact;
- Appraising the nature of one's own conduct;
- Communicating Affirmative Consent to sexual contact; or
- Communicating unwillingness to engage in sexual contact.

Where an individual's level of impairment does not rise to Incapacitation, it is still necessary to evaluate the impact of intoxication from drug or alcohol use on Affirmative Consent. In evaluating whether Affirmative Consent was sought or given, the following factors may be relevant:

- Intoxication may impact one's ability to give Affirmative Consent and may lead to Incapacitation (the inability to give Affirmative Consent).
- A person's level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include difficulty walking, poor judgment, difficulty communicating, slurred speech, or vomiting.
- An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism.
- No matter the level of an individual's intoxication, if that individual has not affirmatively agreed to engage in sexual contact, there is no Affirmative Consent.

Anyone engaging in sexual contact must be aware of both their own and the other person's level of intoxication and capacity to give Affirmative Consent. The use of alcohol or drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or Incapacitation, the safest course of action is to forgo or cease any sexual contact. An individual's intoxication is never an excuse for or a defense to committing Sexual Assault and it does not diminish one's responsibility to obtain Affirmative Consent.

v. Domestic Violence. Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Illinois.

vi. Dating Violence. Violence committed by a person who is or has been in a relationship of romantic or intimate nature with the other person. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of such a relationship shall take into account the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

vii. Stalking. A course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer emotional distress.

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

B. Other Policy Definitions.

i. Retaliation. Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

ii. Designated Officials. Designated Officials are those officials who have the authority to institute corrective action and are required to inform the Title IX Coordinator of reports of Sexual Misconduct. These individuals are the Vice President and Dean of Student Affairs, Provost and Senior Vice President of Academic Affairs, Dean of Faculty, Chief Human Resources Officer, and President.

iii. Education Programs and Activities. All the operations of SAIC, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by SAIC. It also includes off-campus locations, events, or circumstances over which SAIC exercises substantial control over the Respondent and the context in which the Sexual Misconduct occurs. This Policy does not apply to conduct that occurred in a private, off-campus location and is not a part of SAIC's Education Programs and Activities.

iv. Formal Complaint. A Formal Complaint is a document filed by the Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct as defined under this Policy against Respondent(s) and requesting an investigation of the allegation of Sexual Misconduct under this Policy. Only a Complainant or the Title IX Coordinator may file a Formal Complaint.

v. Complainant. The person who is alleged to have experienced the conduct that could constitute Sexual Misconduct will be referred to as the "Complainant."

vi. Respondent. The person who is the subject of the Formal Complaint and alleged to have violated the Policy will be referred to as the "Respondent."

vii. Appeal Reviewer. An SAIC administrator responsible for reviewing and determining the outcome of appeal(s) filed by the Complainant or Respondent.

IV. Reporting Obligations

All SAIC staff (excluding Confidential Resources), SAIC student Teaching Assistants and Resident Advisors, and volunteers are required to report incidents or allegations of Sexual Misconduct to the Title IX Coordinator. This allows SAIC to provide resources, options, and rights to those who have reported they have experienced Sexual Misconduct and those who are the subject of the report. This allows for SAIC to take consistent action to respond to reports of such conduct. In these circumstances, SAIC is committed to maintain privacy. SAIC does not publicize the name of crime victims nor does it include identifiable information in Campus Security's Daily Crime Log. Please see Annual Security Report at https://www.saic.edu/sites/default/files/security_fire_safety_report.pdf

V. Confidentiality vs. Privacy

When making a choice about how to get help, it is important to understand the difference between seeking confidential assistance through Confidential Resources and making a report to SAIC. Making a report to SAIC means that the report, while handled with privacy, will be shared with other administrators, and will lead to further actions to respond appropriately as outlined in this Policy.

Different employees on campus have different abilities to maintain confidentiality. Most SAIC community members, including faculty and staff members, cannot maintain confidentiality because of reporting obligations. In these circumstances, SAIC is committed to maintain the privacy of the information shared. The terms "confidentiality" and "privacy" are defined below.

Confidentiality, as used in this Policy, refers to a legal obligation not to disclose information without the express written permission of the individual who provided the information, with certain exceptions, such as if there is a continuing threat of serious harm to self or others or another legal obligation to reveal such information (e.g., where there is suspected sexual abuse or neglect of a minor). Only the professional counselors in SAIC's Counseling Services, the nurses in Health Services, and the Confidential Advisor ("Confidential Resources") can maintain confidentiality. These Confidential Resources are available only to students. The Confidential Resources provide support to students who have experienced Sexual Misconduct. Confidential Resources (excluding the Confidential Advisor) also provide support to students who are the subject of a report alleging Sexual Misconduct. Confidential Resources are not required to report information to the Title IX Coordinator. The Confidential Resources will not report to the Title IX Coordinator any personally identifiable information about a student; however, they will provide aggregate data about incidents of Sexual Misconduct to the Title IX Coordinator.

Various off-campus resources available to anyone, such as counselors, advocates, and health care providers, will also generally maintain confidentiality and not share information with SAIC unless the individual providing the information requests disclosure and signs a consent form. The Employee Assistance Program (800.311.4327), which is available to faculty and staff, is considered a confidential off-campus resource even though it is paid for by SAIC.

Privacy generally means that information related to a report will be shared only with those employees who "need to know" in order to assist in the review, investigation, or resolution of a report. While not bound by confidentiality, individuals who receive private information will be discreet and do their best to respect the privacy of all individuals involved in the process. If an investigation is required, the information may also be shared with the alleged offender or others as required to conduct a complete and fair investigation. Although SAIC manages private information with discretion, it is not possible to maintain confidentiality for any information other than information provided to the Confidential Resources as noted in the definition of *Confidentiality* provided above.

VI. Making a Report

Reports can be made in person to the individuals listed below under "Making a Report" or electronically. Electronic reports may be submitted anonymously at the reporter's option at <http://www.saic.edu/lifeatsaic/stopsexualviolence/makeareport/>.

	Making a Report
For All Community Members	SAIC Campus Security 312.899.1230 Available 24 hours a day, seven days a week
	Lumturije "Luma" Akiti Title IX Coordinator 116. S. Michigan Ave., 12th Floor Chicago, IL 60603 lakiti@saic.edu 312.499.4165 D. Lance Lockett Deputy Title IX Coordinator 116 S. Michigan Ave., 12th Floor Chicago, IL 60603 312.629.3381 dlockett@saic.edu

For Students	<p>Lumturije “Luma” Akiti Title IX Coordinator 116. S. Michigan Ave., 12th Floor Chicago, IL 60603 lakiti@saic.edu 312.499.4165</p> <p>Mike Blackman (or designee)* – Office of Student Affairs (Intake Person) Assistant Dean of Student Affairs for Student Support and Conflict Resolution 36 S. Wabash Ave., Suite 1204 Chicago, IL 60603 mblackman@saic.edu 312.629.6725</p> <p>*When Mike is not available, a Dean on Call will serve as the intake for student reports. Deans on Call are staff members in the Office of Student Affairs who have received training in responding to reports of Sexual Misconduct. A Dean on Call is available 24 hours a day.</p>
For Faculty	<p>Lumturije “Luma” Akiti Title IX Coordinator 116. S. Michigan Ave., 12th Floor Chicago, IL 60603 lakiti@saic.edu 312.499.4165</p> <p>Raja El Halwani Faculty Liaison 37 S. Wabash Ave., Suite 816 Chicago, IL 60603 relhalwani@saic.edu 312.345.3751</p>
For Staff & Visitors	<p>Lumturije “Luma” Akiti Title IX Coordinator 116. S. Michigan Ave., 12th Floor Chicago, IL 60603 lakiti@saic.edu 312.499.4165</p> <p>Timeka Young Employee Relations and Training Manager 116 S. Michigan Ave., 12th Floor Chicago, IL 60603 tyoung6@artic.edu 312.629.3378</p> <p>Alan Hooker Employee Relations and Training Manager 116 S. Michigan Ave., 12th Floor Chicago, IL 60603 ahooker@artic.edu 312.629.3385</p>

VII. Intake & Supportive Measures

Upon receiving a report of Sexual Misconduct, the Title IX Office will determine the identity of the alleged victim of the reported Sexual Misconduct (who may be the reporting party themselves) and provide that individual information about rights, options, and resources, which include supportive measures and the process for filing a Formal Complaint. If the Title IX Coordinator receives a report that lacks sufficient detail to determine if it falls within this Policy, the Title IX Coordinator may collect additional information about the report to assess what procedures will be utilized.

The Title IX Office will arrange for supportive measures if the individual requests them and they are reasonably available.

Supportive measures are designed to restore and preserve equal access to SAIC's Education Programs and Activities. Examples of supportive measures include: mutual no contact instructions, changes to academic or work schedules such as extension of deadlines or other course-related adjustments, leaves of absence, or housing, counseling services, campus escort services, and increased security and monitoring of certain areas of the campus. Although supportive measures are not punitive or disciplinary in nature, they may impose a burden, albeit a reasonable one, on a member or members of SAIC's community. SAIC will maintain as private any supportive measures provided to an individual, except as necessary to provide the supportive measure; for example, both individuals would be informed of a mutual no contact instruction. Supportive measures are available to both the individual making a report and the individual who is the subject of a report; and they are available before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. The Title IX Office also reassess the availability and implementation of supportive measures on an ongoing basis.

VIII. Formal Complaint

1. Formal Complaint. A Formal Complaint is a document filed by the Complainant, who experienced the alleged Sexual Misconduct, or signed by the Title IX Coordinator alleging Sexual Misconduct (as defined herein) against Respondent(s), and requesting an investigation of the allegation of Sexual Misconduct under this Policy. Only a Complainant or the Title IX Coordinator may file a Formal Complaint.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by mail, or by electronic mail, provided that the document or electronic submission contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the Formal Complaint. At the time of filing, a Complainant must be participating in or attempting to participate in SAIC's Education Programs and Activities with which the Formal Complaint is filed.

The Title IX Coordinator has discretion to initiate a Formal Complaint when the Title IX Coordinator believes that, with or without a Complainant's participation, an investigation is required. The Title IX Coordinator, in deciding whether to sign a Formal Complaint, may consider a variety of factors, including a pattern of alleged misconduct by a Respondent, violence involved, use of weapons, minor involved, or similar factors. The Title IX Coordinator's decision to sign a Formal Complaint includes taking into account the wishes of the person who reported experiencing Sexual Misconduct regarding how SAIC should respond to their report; to this end, the Title IX Coordinator will seek to contact that person to discuss the availability of supportive measures, the consider that person's wishes with respect to supportive measures, and explain the process for filing a Formal Complaint. Where a Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

The Title IX Coordinator has discretion to consolidate Formal Complaints in situations that arise out of the same facts or circumstances and involve more than one Complainant, more than one Respondent, or allegations between the Complainant and Respondent.

2. Notice of Formal Complaint. Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice to the Complainant(s) and the Respondent(s) that includes:

- a. Notice of the allegations of Sexual Misconduct under Title IX, as defined above, including the conduct allegedly constituting Sexual Misconduct under Title IX, the identity of the individuals involved in the incident, if known, and the date and location of the incident, if known.
- b. Notice of SAIC's grievance process, including any informal resolution process.
- c. A statement that the Respondent(s) is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- d. Information regarding the role of advisors in the grievance process.
- e. Information regarding the prohibition on knowingly making false statements.

If, in the course of an investigation, the Title IX Coordinator determines that additional allegations, that were not in the Notice, will be investigated, the Title IX Coordinator will provide a supplemental notice of those allegations to all known Complainant(s) and Respondent(s).

3. Assessment of Formal Complaint. The Title IX Coordinator, upon receipt of a Formal Complaint and throughout the investigation, will assess the information presented to determine whether:

- a. the Complainant in a Formal Complaint (i) experienced the conduct reported while in the United States and (ii) is participating or attempting to participate in a program or activity of SAIC at the time the Formal Complaint was made; and
- b. the alleged conduct occurred in SAIC's Education Programs and Activities.

If, at any point, the Title IX Coordinator determines that these requirements are not met, the Title IX Coordinator will proceed with a Dismissal of Formal Complaint, as set forth below.

In addition, if the Title IX Coordinator determines that the conduct alleged, even if substantiated, would not constitute Sexual Misconduct under Title IX (*see* "III. Policy Definitions"), then the Title IX Coordinator will proceed with a Dismissal of Formal Complaint, as set forth below.

4. Dismissal of Formal Complaint

(1) **Mandatory Dismissal:** If the conduct alleged in the Formal Complaint, even if substantiated, would not constitute Sexual Misconduct, did not occur in SAIC's education program or activity, or did not occur against a person in the United States, then the Title IX Coordinator will dismiss the Formal Complaint with regard to that conduct for purposes of Sexual Misconduct under Title IX. This dismissal does not preclude action under another SAIC policy.

(2) **Discretionary Dismissal:** The Title IX Coordinator may dismiss a Formal Complaint or any allegations in the Formal Complaint, if at any time during the investigation or hearing, a Complainant notifies the Title IX Coordinator, in writing, that the Complainant would like to withdraw the Formal Complaint or any allegations in the Formal Complaint; the Respondent is no longer enrolled or employed by SAIC; or specific circumstances prevent gathering information sufficient to reach a determination as to the Formal Complaint or allegations in the Formal Complaint.

Upon a mandatory or discretionary dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the Complainant and Respondent. In addition, in the written notice of a dismissal or a subsequent written notice, the Title IX Coordinator will inform the Complainant and the Respondent if the conduct will be reviewed under another SAIC policy.

5. Dismissal Appeal. Both parties may appeal a dismissal within five (5) business days after receiving notice of the dismissal. An appeal must be made in writing, must be submitted to the Appeal Reviewer, and must state the basis for appeal. The appeal procedures and bases for appeal are outlined in "*28. Appeal*" and "*29. Notice of Appeal*" below.

6. Notice of Meetings. The Title IX Office will provide written notice to Complainant(s) and/or Respondent(s) of any meeting where their participation is invited or expected, including the date, time, location, purpose, and participants in the meeting, including investigative interviews, hearings, or other meetings.

7. Emergency Removal & Administrative Leave.

(a) **Students.** Students may be removed on a temporary basis only if: (1) an individualized safety and risk analysis conducted by SAIC administrators determines that an immediate threat to physical health or safety of any student or other individual arising from the alleged Sexual Misconduct justifies removal, and (2) the student is given immediate written notice by the Title IX Office and opportunity to contest the removal. The student may contest the removal by providing written notice to the Title IX Coordinator outlining the basis for contesting the temporary removal within five (5) business days of receiving written notice of temporary removal.

(b) **Faculty and staff.** Faculty and staff may be placed on administrative leave or suspension pending an investigation and/or resolution of a Formal Complaint or informal resolution.

(c) **For all other Respondents.** SAIC retains broad discretion to prohibit individuals (including contractors, guests, and visitors) from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Misconduct or otherwise.

(d) **Other policies and standards implicated.** Where the conduct referenced in a Formal Complaint could constitute a violation of some other applicable institutional policy or standard, irrespective of whether it constitutes Sexual Misconduct under this policy, SAIC retains full discretion to take interim measures under other applicable policies or standards.

8. Conflict of Interest.

- a. The Title IX Coordinator, investigator, decision maker(s), or any person designated by SAIC to facilitate a resolution process, must not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. The Complainant and Respondent will be given simultaneous, prior notice of the individual(s) who will investigate a Formal Complaint, who will be the decision maker(s), and, if the Complainant and Respondent voluntarily seek to engage in informal resolution, the facilitator of such informal resolution. Within twenty-four (24) hours of receiving notice of such individual(s), the Complainant and/or the Respondent shall notify the Title IX Coordinator or designee if they believe that any of those individuals has a conflict of interest. The notification shall include the basis of the alleged conflict. The Title IX Coordinator or designee shall review the alleged conflict, and determine whether the alleged conflict disqualifies that individual. If an individual is disqualified, the Title IX Coordinator or designee will select a substitute and the process for identifying conflicts set forth above shall be followed for any such additional individuals.
- b. An individual will be considered to have a conflict of interest in the event of a circumstance that would prevent them from being impartial in their review of the Formal Complaint. Factors that may be relevant, include if their actions are the subject of the Formal Complaint or if they have relevant information regarding the factual allegations in the Formal Complaint. In addition, if an individual has a potential conflict of interest with the Complainant(s) or the Respondent(s) (e.g., because of familial, intimate, financial, business or other relationship), they should not serve as the Title IX Coordinator, investigator, decision maker(s), or any person designated by SAIC to facilitate a resolution process. Whether bias exists requires an examination of the particular facts and circumstances of a situation and does not rest on generalizations.

9. Presumption of Not Responsible. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

10. Time Frame. SAIC will endeavor to complete an informal resolution or investigation and resolution of a Formal Complaint of Sexual Misconduct as promptly as possible. As a general matter, SAIC strives to complete its investigation, resolution, and appeal within ninety (90) calendar days. However, the time frame for any Formal Complaint may be extended for good cause such as: absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will provide simultaneous written notice to the Complainant and the Respondent of any extensions.

11. Advisor. During any investigation of a Formal Complaint, the Complainant and Respondent have a right to be accompanied by an advisor of their choice to any related meeting or grievance process. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. The advisor's role can include helping the Complainant(s) or Respondent(s) prepare their statements (whether written or oral), advising on the procedural aspects of the matter, and being a nonparticipating supporter at any meeting which may occur. Complainant(s) and Respondent(s) must speak for themselves and present their own cases; while the party may consult with the advisor, the advisor may not present information or make statements or arguments during any meetings which may occur, with the sole exception of conducting cross-examination at the hearing. Only the advisor for a Complainant or a Respondent may conduct cross-examination in the hearing. Finally, the advisor may only be present when the person that they are advising is also present. If either the Complainant or the Respondent intends to bring an advisor to any meeting, then, in advance of the meeting, the party must notify the Title IX Coordinator in writing of the advisor's name, occupation, relationship to the party, and relationship to SAIC, if any.

12. Investigation of Formal Complaint. The Title IX Coordinator will designate an investigator ("Investigator"), generally a member of their staff, to investigate the Formal Complaint. The Investigator is responsible for ensuring that the investigation is prompt, thorough, and fair.

- A. *Gathering Information.* SAIC is responsible for performing the investigation and gathering relevant information. During the investigation, the Investigator will offer both the Complainant and the Respondent an equal opportunity to identify individuals who may have relevant information, including fact and expert witnesses, and other information that they believe is relevant to show responsibility or that exculpates the Respondent from responsibility. The Investigator may also meet with and/or gather information from other individuals who may have relevant information. All relevant information gathered during the course of the investigation will be included in an investigative report.

- B. *Right to Review & Inspect Information Gathered in Investigation.* The Investigator will provide both the Complainant(s) and the Respondent(s) with an equal opportunity to inspect and review any information obtained by the Investigator as part of the investigation that is directly related to the allegations raised in the Formal Complaint. This includes both information that SAIC does not intend to rely on in reaching its decision as well as information relevant to show responsibility or that exculpates the Respondent from responsibility. Prior to completion of the investigative report, the Investigator will send to the Complainant(s) and the Respondent(s) and their respective advisors, if any, the information subject to inspection and review in an electronic format or a hard copy. The parties and their respective advisors will maintain the confidentiality of the investigative report. The Complainant(s) and the Respondent(s) will be given ten (10) calendar days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- C. *Right to Review Investigative Report.* At least ten (10) calendar days prior to a hearing, the Investigator will send the investigative report to the Complainant(s) and the Respondent(s) and their respective advisors, if any, in an electronic format or a hard copy, for their review and written response. Any written response to the final investigative report must be submitted at least three (3) calendar days prior to the hearing. Written responses to the final investigative report will be shared simultaneously with the parties and their respective advisors.
- D. *Investigation Information Available at Hearing.* The Investigator will make such information available to the Complainant(s) and the Respondent(s) and their respective advisors for inspection and review at any hearing to give each an equal opportunity to refer to such information during the hearing, including for purposes of cross-examination.

13. Educational Rather Than Judicial Setting. A Formal Complaint sets in motion a process that will occur in an educational rather than a judicial setting. The hearing shall be private and will not require application of legal rules, such as rules of evidence, that govern a civil or criminal case or other judicial or quasi-judicial proceedings. In addition, as this is an educational process, not a judicial one, neither the Complainant(s) nor the Respondent(s) can depose parties or witnesses or invoke a court system's subpoena powers to compel parties or witnesses to appear at hearings, which are common features of procedural rules governing litigation and criminal proceedings.

14. Hearing. Once the investigation is complete, the Title IX Office will convene a hearing with all parties (Complainant, Respondent, witnesses, and other participants such as advisors and decision maker(s)). The hearing will be arranged to have everyone physically present in the same geographic location or present virtually with technology enabling participants simultaneously to see and hear each other in real time.

- A. *Hearing.* The decision maker(s) in, and format of, the hearing may depend on whether the Respondent(s) are student(s), faculty, or staff.
 - i. If the Respondent is a student, the Vice President and Dean of Student Affairs (VPSA), or designee, will serve as the decision maker. A Student Conduct Board, as described in the Student Conduct Procedures in the Student Handbook, will be convened. The Student Conduct Board consists of representatives from SAIC's administration, faculty, and student body. As the Chair and member of the Student Conduct Board, the VPSA may determine, in their reasonable discretion, that the Student Conduct Board Meeting shall proceed in the absence of a representative from one of those three groups. The Student Conduct Board shall make a recommendation, including any proposed sanctions, and the reasons therefore, to the VPSA. The VPSA shall have final discretion as to the disposition of the case and any sanctions.
 - ii. If the Respondent is a faculty member, Dean of Faculty and Vice President for Academic Affairs, or designee, will serve as the decision maker.
 - iii. If the Respondent is a staff member, the Chief Human Resources Officer, or designee, will serve as the decision maker.
- B. *Pre-Hearing Review of Investigative Report and Information.* Prior to commencement of the hearing, the decision maker(s) will review the investigative report and a copy of all information transmitted to the parties by the Investigator. This review of materials is provisional and intended to provide background and orientation to the decision maker(s) in planning and conducting the hearing. The decision maker(s) must exclude from consideration in deliberation any information

developed during the investigation that is deemed inadmissible at the hearing, including specifically, but not limited to, the statements of any party or witness who refuses to submit to questioning by a party advisor.

- C. *Convening of Hearing.* The Title IX Coordinator, designee, will convene the hearing and clearly state for the record the date, time, and location of the hearing; the names of the Complainant and Respondent; the parties present at the hearing; any accommodations that have been provided at the request of a party or in SAIC's discretion; whether all or a portion of the hearing is being conducted virtually; and any other introductory matters that the decision maker deems appropriate.
- D. *Recording of Hearing.* The Title IX Coordinator, or designee, will make an audio or audiovisual recording, or transcript, of the hearing available to the parties for inspection and review after the hearing has concluded.

15. *Statements of the Parties.* After convening the hearing, the decision maker(s) will invite the Complainant to provide a statement to the decision maker(s) regarding the events in question and identify and comment on any non-testimonial information the Complainant believes is relevant. After the Complainant has made a statement, or waived the right to make a statement, the Complainant will be subject to questioning by the decision maker(s), followed by questioning from the advisor for the Respondent. After questioning of the Complainant is complete, the decision maker(s) will invite the Respondent to provide a statement to the decision maker(s) regarding the events in question and to identify and comment on any non-testimonial information the Respondent believes is relevant. After the Respondent has made a statement, or waived the right to make a statement, the Respondent will be subject to questioning by the decision maker(s), followed by questioning from the advisor for the Complainant.

16. *Testimony of Witnesses.* After questioning of the parties is complete, witnesses will be called to testify in the order determined by the decision maker(s). Unlike the parties, witnesses will not be invited to make a statement but, instead, will be subject to questioning from the decision maker(s) followed by questioning from each party's advisor commencing first with questioning from the advisor for the Complainant followed by questioning from the advisor for the Respondent.

17. *Cross Examination.* Cross-examination at the hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Any cross examination is subject to the following rules of decorum and enforced within the discretion of the decision maker(s): (1) cross examination must be conducted in a respectful manner; and (2) engaging in abusive and intimidating behavior such as yelling or badgering is strictly prohibited and is subject to immediate removal from hearing. Further, all parties, advisors, and other persons present at a hearing are required to act professionally, maintain decorum, and abide by the Policy, these procedures, and any other rules specified by the decision maker(s). Any party, advisor, or other person who materially disrupts the proceeding or violates applicable policies, procedures, and rules, may be barred from further participation and/or have their participation limited, as the case may be, by the decision maker(s).

18. *Relevancy.* Before the Complainant, Respondent, or witness answers a cross-examination or other question, the decision maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. In addition to ruling on questions of relevancy, the decision maker(s) may limit cumulative and redundant questioning. The decision maker(s) will make these relevancy determinations by applying logic and common sense and not against a backdrop of legal expertise. Among other things, rules of evidence do not apply to these proceedings.

19. *Advisor During a Hearing.* During a hearing, advisors to the parties must play a passive role in the hearing with the sole exception that advisors are permitted to question parties and witnesses. Advisors are not permitted to speak for their advisee, make objections, present arguments, or engage in any other active role. If the Complainant or Respondent does not have an advisor present at the hearing, SAIC will provide an advisor of their choice, without fee or charge to the Complainant or Respondent, as applicable, to conduct cross-examination on their behalf. As this is an educational process, not a judicial one, there is no requirement that the advisor be an attorney.

20. *Prior Sexual Behavior.* Questions and information about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and information about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and information concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

21. *Privilege.* Questions and information that constitute, or seek disclosure or, information protected under a legally recognized privilege, such as medical records, unless the person holding such privilege has waived the privilege.

22. Refusal to Submit to Cross Examination. If the Complainant, Respondent, or any witness does not submit to cross examination at the hearing, the decision maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross examination or other questions.

23. Investigation Materials. After the questioning of witnesses is complete, the decision maker(s) will identify any portion of the information developed during the investigation that the decision maker(s) has determined should be excluded from the hearing record based on rulings made at the pre-hearing conference, during the hearing itself, due to the refusal of a party or witness to submit to questioning by a party advisor, or for any other reason. The decision maker(s) will then provide the parties a final opportunity to raise any additional objections to inclusion of any other portions of the investigation record into evidence and resolve any such objections. All information from the investigation and hearing not specifically excluded by the decision maker(s) shall be deemed admitted into the hearing record and may be considered by the decision maker(s) as part of the deliberation.

24. Access to and Use of Investigation Information. During the hearing, the parties and their advisors shall have access to the investigative report and a copy of all information transmitted to the parties by the Investigator. Such information may be utilized in the questioning of witnesses where relevant. Non-testimonial information utilized during the hearing shall be marked and referred to in such a manner as to make it clearly identifiable by audio (i.e., such as sequential marking of "Records")

25. Closing Statement. After the questioning of the witnesses is complete, the decision maker(s) will invite the Complainant to make a closing statement. After the Complainant has made a closing statement, or waived the right to make a closing statement, the hearing officer will invite the Respondent to make a closing statement.

26. Deliberation and Determination. After closing statements are complete, the decision maker(s) will conclude the hearing and deliberate and render a determination. The decision maker(s)'s determination shall be made on the basis of whether it is more likely than not that the Respondent violated the Policy. The decision maker(s) must provide a written determination to both the Complainant(s) and the Respondent(s) simultaneously. The determination becomes final on either the date that SAIC provides the parties with the result of the appeal, if any, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The determination will include the following:

- a. Identification of the allegation(s) of Sexual Misconduct;
- b. Description of the procedural steps taken from the filing of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather other information, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the Sexual Misconduct definitions to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to SAIC's Programs and Activities will be provided to the Complainant; and
- f. Appeal bases.

27. Timing and Extensions. The decision maker(s) will have discretion to set the overall length of the hearing and may set time limits for statements of the parties, questioning of parties and witnesses, and closing statements. A hearing will not exceed three (3) hours in length absent extraordinary circumstances. Once a hearing is commenced, it will be extended only for good cause as determined by the decision maker(s).

28. Sanctions. The decision maker(s) will be responsible for assigning any sanctions if a determination of responsibility is made.

- a. If the Respondent is a student, potential sanctions are set forth in the Student Conduct Procedures section of the Student Handbook under Sanctions.
- b. If the Respondent is a faculty member, potential sanctions may include corrective action ranging from a notation in the Respondent's file, up to and including termination. In cases where the Dean of Faculty and Vice President for Academic Affairs, or designee, determines that termination is the appropriate sanction, they must first advise the President of SAIC. If the President agrees, the faculty member will be terminated immediately, except that faculty members with tenure or whose

term appointment has not expired. For those faculty, the matter will proceed in accordance with Section 9.C., AAUP Statements on Academic Due Process Procedures, in the Faculty Handbook Supplement. If the President disagrees with the Dean of Faculty's determination that the Respondent should be terminated, the Dean of Faculty will determine an appropriate alternative sanction.

- c. If the Respondent is a staff member, potential sanctions may include corrective action ranging from a notation in the Respondent's file, up to and including termination.

29. Appeal. Either the Complainant or the Respondent may appeal the determination of the decision maker(s) within five (5) business days after receiving notice of the determination. An appeal must be made in writing, must be submitted to the Appeal Reviewer, and must state the basis for appeal. The following are the bases for an appeal:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New information that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and/or
- d. One or more reasons why the sanction is disproportionate with the violation.

30. Notice of Appeal. If an appeal is made, the Appeal Reviewer, or designee, will notify, in writing, the non-appealing party of the appeal. Both parties have an equal opportunity to submit a written statement in support of, or challenging, the determination or dismissal within three (3) business days after receiving notice of the appeal. The Appeal Reviewer, or designee, will provide simultaneous written notice of the outcome of the appeal(s), including the rationale, to both parties. The Appeal Reviewer, or designee, may undertake any inquiries that they deem appropriate, including but not limited to requesting the Title IX Coordinator's Office to conduct additional investigation. Following their examination of the matter, the Appeal Reviewer, or designee, may grant or deny the appeal or take any action that they deem appropriate. The Appeal Reviewer, or designee, will notify the Complainant and the Respondent simultaneously, in writing, of the decision on the appeal and rationale, any changes to the result, and that the determination is final.

31. Discretion in Application. SAIC retains discretion to interpret and apply these procedures in a manner that is not clearly unreasonable, even if SAIC's interpretation or application differs from the interpretation of the parties. Despite SAIC's reasonable efforts to anticipate all eventualities in these procedures, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably be addressed by the express language of these procedures, in which case SAIC retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

IX. Informal Resolution

In a diverse community, disagreements and conflicts of various degrees of seriousness are inevitable. In many instances, an informal approach can be useful in resolving instances of inappropriate conduct. Problems are sometimes easier to resolve in an informal atmosphere that encourages people to identify the difficulty, talk it out, and agree how to deal with it.

At any time after the Complainant(s) and Respondent(s) are provided written notice of the Formal Complaint, and before the completion of any appeal specified in "*28. Appeal*" and "*29. Notice of Appeal*," the Complainant(s) and Respondent(s) may voluntarily consent, with the Title IX Coordinator's approval, to participate in an informal resolution process, the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the Complainant(s) and Respondent(s).

An informal resolution is a flexible approach to resolving disagreements. As a result, there is no fixed format. It can involve a meeting between the two parties to facilitate an informal discussion, arranging to channel communications through a third party if the parties do not want to meet, or some other approach suitable to the circumstances. Informal resolutions may include facilitated mediations.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that: (1) describes the parameters and requirements of the informal

resolution process to be utilized, (2) identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another SAIC administrator, or a suitable third-party), (3) explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint, and (4) explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

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

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

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will document the agreed resolution and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by SAIC, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or where required to avoid a manifest injustice to either party or to SAIC. Informal resolution is not subject to appeal.

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

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

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

X. Resources

SAIC is committed to providing support and resources that are broadly accessible to all SAIC community members. Anyone who has experienced Sexual Misconduct is urged to immediately seek help. Help includes seeking medical assistance, seeking confidential counseling or crisis response, filing a report with law enforcement, and/or making a report to SAIC. The Title IX Office will help any individual who has experienced Sexual Misconduct, including providing transportation to the hospital, assisting with contacts to law enforcement, and offering information about resources. Although SAIC encourages all members of its community to report any incidents of Sexual Misconduct to the police, the individual who experienced Sexual Misconduct may choose not to make a report to the police.

Emergency Resources

<u>On-Campus Resources</u>	
<p style="text-align: center;"> <i>SAIC Campus Security</i> 312.899.1230 Available 24/7 Ask to speak to supervisor on duty </p>	
<u>Off-Campus Resources</u>	

<p><i>Northwestern Memorial Hospital Emergency Department</i> 250 E. Erie St. 312.926.5188</p> <p><i>Hospitals are required to provide a no-cost medical examination for a person who has experienced sexual assault.</i></p>	<p><i>Chicago Police Emergency Call 911</i></p>
	<p><i>Chicago Police Department 1718 S. State St. 312.745.4290</i></p>

Confidential Resources
(Medical/Counseling/Advocacy)

<u>On-Campus Resources</u>	
<p><i>Confidential Advisor (Students)</i> Teresa J. Sit 312.499.4271 tsit@saic.edu</p>	<p><i>Counseling Services (Students)</i> 312.499.4271 counselingservices@saic.edu</p>
<p><i>Health Services (Students)</i> 312.499.4288 healthservices@saic.edu</p>	<p><i>Employee Assistance Program (Faculty/Staff)</i> 800.311.4327</p>
<u>Off-Campus Resources</u>	
<p><i>Northwestern Memorial Hospital Emergency Department 250 E. Erie St. 312.926.5188</i></p>	<p><i>City of Chicago Domestic Violence Helpline</i> 877.863.6338</p>
<p><i>Center on Halsted</i> 773.472.6469 LGBTQ Violence Resource Line 773.871.2273</p>	<p><i>Porchlight Counseling Services</i> Evanston, IL 773.750.7077</p>
<p><i>KAN-WIN (multilingual advocacy)</i> 773.583.1392 kanwin.org</p>	
<p><i>Resilience</i> 180 N. Michigan Ave., Suite 600 312.443.9603</p>	<p><i>YWCA Metropolitan Chicago</i> 1 N. LaSalle St., Suite 1150 312.372.6600</p>

Additional Resources

<u>On-Campus Resources</u>	
<i>SAIC Student Financial Services (financial assistance)</i> 312.629.6660 (extension 9 for Receptionist) 36 S. Wabash Ave., Suite 1200 Chicago, IL 60603	
<u>Off-Campus Resources</u>	
<i>Life Span Center for Legal Services & Advocacy</i> 70 E. Lake Street, Suite 600 312.408.1210 life-span@life-span.org	<i>Legal Assistance Foundation of Chicago</i> lafchicago.org
	<i>National Immigrant Justice Center</i> 208 S. LaSalle St., Suite 1300 312.660.1370 immigrantjustice.org

RESOURCES AND INFORMATION FOR SAIC COMMUNITY MEMBERS REPORTING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

Any member of the SAIC community who reports experiencing sexual assault, domestic violence, dating violence, and/or stalking should be aware of available resources, as well as SAIC's policies and procedures regarding these matters. We can assist you in accessing resources regarding counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to you both on-campus at SAIC and off-campus in the community (see reverse). SAIC community members are encouraged to access information and support regardless of their desire to pursue a Formal Complaint or formal resolution with SAIC or make a report to law enforcement.

Making a Report or Formal Complaint:

- You have the right to choose whether to report this incident to SAIC, law enforcement, or both. We can assist you in notifying the police and Campus Security (or a designated SAIC staff member). You may also decline to notify the police. You can find contact information for these individuals on the reverse side.
- SAIC will maintain the privacy of your information by sharing it only with those SAIC employees who "need to know" in order to assist in the review, investigation, or resolution of the report or Formal Complaint. If an investigation is required, the information may also be shared with the alleged offender(s) or others as required to conduct a complete and fair investigation.
- Although SAIC manages this information with discretion, it is not possible to maintain confidentiality for any information other than information provided to the Confidential Advisor, counselors in Counseling Services, and nurses in Health Services. These services are provided to SAIC students. The Employee Assistance Program is a confidential resource available to faculty and staff.
- SAIC does not publicize the name of crime victims nor does it include identifiable information in Campus Security's Daily Crime Log (please see Annual Security Report).
- It is important to preserve evidence that may be helpful if you choose to make a report or Formal Complaint to SAIC or law enforcement (e.g. text messages or pictures).

Supportive Measures:

- You may request supportive measures from SAIC, such as mutual no contact instructions, changes to academic or work schedules such as extension of deadlines or other course-related adjustments, leaves of absence, or housing, counseling services, campus escort services, and increased security and monitoring of certain areas of the campus.
- These will be provided to you if they are reasonably available, regardless of whether you choose to pursue a formal process with the School or make a report to law enforcement. SAIC will maintain the privacy of any such supportive measures to the extent that it can maintain such privacy and still provide the requested assistance.
- You may also seek supportive measures through a legal order of protection or no contact order in state court. Free legal advocacy is available to SAIC students, faculty, and staff (see reverse).
- SAIC takes all existing orders of protection seriously. You can notify Campus Security of an order of protection by emailing Art Jackson, Director of Campus Security, at ajackson@saic.edu.

Summary of Procedures:

- If a report or Formal Complaint is made to SAIC, the individual making the report or Formal Complaint is referred to as the "Complainant"; the individual accused of sexual assault, domestic violence, dating violence, and/or stalking is referred to as the "Respondent." The Sexual Misconduct Under Title IX Policy or Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy may apply.
- **If a student is the Respondent**, the Title IX Coordinator will oversee the investigation and the Vice President and Dean of Student Affairs (or designee) shall decide whether a policy violation occurred, and if so, the appropriate sanction(s). The Student Conduct Process in the Student Handbook will apply.
- **If a faculty member is the Respondent**, the Title IX Coordinator will oversee the investigation, and the Vice President and Dean of Faculty (or designee) shall decide whether a policy violation occurred, and if so, the appropriate sanction(s).
- **If a staff member is the Respondent**, the Title IX Coordinator will oversee the investigation, and the Chief Human Resources Officer (or designee) shall decide whether a policy violation occurred, and if so, the appropriate sanction(s).
- The Title IX Coordinator may determine SAIC has an obligation to conduct an investigation even if you do not seek to do so yourself, SAIC will consider your preference regarding whether and how to proceed. If you do not want to pursue an investigation, SAIC will determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all SAIC community members.
- You may have an advisor present with you during any meeting related to the investigation and resolution. The Respondent has the same option.

- SAIC endeavors to complete the investigation and resolution (not including the appeal) within ninety (90) calendar days. Because timeframes for investigations vary, SAIC may extend this timeframe for good cause with written notice to you and the Respondent of the revised timeframe and reason for it.
- You and the Respondent will be informed of the outcome of any formal process as well as the appeal process.
- Conduct may violate SAIC's policies even if it is not found to violate the law; persons who commit behavior in violation of federal, state, or local laws may also be subject to criminal charges. The SAIC investigation and resolution process is independent of any criminal investigation or proceeding.
- Retaliation against you or anyone who participates in the investigation is prohibited and you should report any incidents of retaliation to SAIC.
- Students with disabilities may request a reasonable accommodation to facilitate their participation in the Student Conduct Procedures. To request an accommodation, the student should submit a request to the Disability and Learning Resource Center (DLRC), which can be reached at 312.499.4278. To support the request for accommodation, the student will need to provide appropriate documentation of the disability to the DLRC specialist handling the request.

Additional resources and the School's Sexual Misconduct Under Title IX Policy and Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy may be found in the Student Handbook and at

www.saic.edu/stopsexualviolence.

To make an electronic report, visit www.saic.edu/reportsexualviolence.

<u>On-Campus Resources</u>		<u>Off-Campus Resources</u>
<i>Title IX Coordinator</i> Luma Akiti 312.499.4165 lakiti@saic.edu 116. S. Michigan Ave., 12 th floor	<i>Deputy Title IX Coordinator</i> D. Lance Lockett 312.629.3381 dlockett@saic.edu	<i>Chicago Police Department</i> 1718 S. State St. 312.745.4290
<i>Confidential Advisor (Students)</i> Teresa Sit 116 S. Michigan Ave., 13 th floor 312.499.4271 tsit@saic.edu		<i>Northwestern Memorial Hospital Emergency Department</i> 250 E. Erie St. 312.926.5188
<i>Intake Person (Students)</i> Office of Student Affairs Assistant Dean of Student Affairs for Student Support & Conflict Resolution or designee 312.629.6725		<i>Legal Assistance Foundation of Chicago</i> lafchicago.org
<i>Intake Person (Faculty)</i> Raja El Halwani Faculty Liaison 312.345.3751 relhalwani@saic.edu		<i>Life Span Center for Legal Services & Advocacy</i> 70 E. Lake Street, Suite 600 Chicago, IL 60601 312.408.1210 life-span@life-span.org
<i>Intake Person (Staff)</i> Timeka Young Employee Relations & Training Manager 312.629.3378 tyoung6@artic.edu		
<i>SAIC Campus Security</i> 312.899.1230 Available 24/7 Ask to speak to supervisor on duty		<i>City of Chicago Domestic Violence Helpline</i> 877.863.6338
<i>Counseling Services (Students)</i> 312.499.4271 counselingservices@saic.edu		<i>Center on Halsted</i> 773.472.6469 LGBTQ Violence Resource Line 773.871.2273
<i>Health Services (Students)</i> 312.499.4288 healthservices@saic.edu		<i>National Immigrant Justice Center</i> 208 S. LaSalle St., suite 1300 312.660.1370 immigrantjustice.org
<i>Employee Assistance Program (Faculty/Staff)</i> 800.311.4327		<i>Porchlight Counseling Services</i> Evanston, IL 773.750.7077