

**OFFICE FOR EQUITY & COMPLIANCE (OEC)**

# **UPDATES TO THE COMPREHENSIVE POLICY AND RELATED PROCEDURES FOR AY 2022-23**

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## **REMINDER: PURPOSE OF ANNUAL REVISION**

- Adjust as needed to reflect current state of law (e.g., Title IX)
- Incorporate “lessons learned” over past year(s) and reflect current/best practices in evolving area
- Incorporate feedback from campus stakeholders (where appropriate/merited)
- Commitment to continuous improvement

# 1) PREGNANCY & RELATED CONDITIONS

OLD/CURRENT:	NEW/PROPOSED:
<p>N/A – not explicitly addressed other than in non-discrimination statement (as a protected class)</p>	<p>“Pregnancy and related conditions” defined. (p. 6)</p> <p>Section added expressly outlining the minimum rights of pregnant and parenting students. References foundational rights under Title IX but refers reader to website for details, allowing for flexibility in implementation. (p. 12)</p>

## 2) PRELIMINARY REVIEW

OLD/CURRENT:	NEW/PROPOSED:
<p>“Preliminary Review” described as having two-fold purpose: (a) to assess for applicability of Comprehensive Policy; and (b) to assess whether formal complaint must be initiated.</p>	<p>Preliminary Review expanded to serve three purposes: (a) to assess for applicability of Comprehensive Policy or other University policies; (b) to ensure that any affected party receives timely and accurate information about their rights and options; and (c) to determine how to most appropriately and efficiently respond to a reported incident. (p. 23)</p>

### 3) LUAA & EMERGENCY REMOVAL

OLD/CURRENT:	NEW/PROPOSED:
<ul style="list-style-type: none"><li>“Limitations on University Activities and Access” includes concept of emergency removal, and Title IX standards apply to both.</li></ul>	<ul style="list-style-type: none"><li>LUAA is distinguished from Emergency Removal, with Title IX standards only applicable to the latter. (p. 25)</li></ul>

## 4) REVIEW OF RELEVANT EVIDENCE (ERP)

OLD/CURRENT:	NEW/PROPOSED:
<ul style="list-style-type: none"><li>• Default practice in ERP cases was to draft a Preliminary Investigation Report (PIR), which was provided to parties to review before decision was made.</li></ul>	<ul style="list-style-type: none"><li>• Parties will still be provided a “reasonable opportunity to respond to the relevant evidence that has been collected” but this will not always be in the form of a lengthy PIR. (pp. 37-38)</li><li>• PIRs will still be produced in particularly complex or involved cases.</li></ul>

# OTHER MINOR CHANGES

## EXAMPLES

- Technical adjustments to comply with Illinois CROWN Act (p. 6) and Chicago municipal code (pp. 16 and 19)
- Clarified language around No Contact Directives, specifically how alleged violations are managed (p. 24)
- Clarified language around “Responsive Interventions” to avoid redundancy and offer clarity about purpose and intent. (pp. 24-25)
- Clarification that formal complaints must be brought against one or more identifiable, specific respondent(s). (p. 26)

# OTHER MINOR CHANGES (CONTINUED)

## EXAMPLES

- Slightly more flexibility afforded to redact or limit full disclosure of all information in ERP cases (where full disclosure not required by Title IX). Aligns with traditional HR practices. (throughout)
- “Administrative Resolution” phase distinguished more clearly from the “decision” phase of ERP cases, permitting opportunity for input from others on sanction calibration, when necessary. (pp. 38-42)
- Withholding or revocation of admission, transcript, or degree enumerated among possible sanctions. (p. 40) (**\*subject to Provost approval**)



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# **SANCTIONING GUIDELINES**

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(Comprehensive Policy, p. 39)

*Factors that may be considered by the ARO when determining sanctions for students may include, but are not limited to:*

- *The nature, severity of, and circumstances surrounding the violation*
- *The respondent's student conduct/disciplinary history*
- *Previous allegations or allegations involving similar conduct*
- *The need for the University's intervention to **stop, prevent, and remedy** the effects of the discrimination, sexual misconduct, and/or retaliation*
- *The impact on the parties*
- *Any other information deemed relevant by the ARO*

# **SANCTIONING GUIDELINES (\*NEW, INTERNAL)**

Due to the inherently severe and harmful impact of sexual assault (both contact/fondling and penetration/rape), sanctioning determinations should begin as a “standard” (baseline) with the following:

- Penetrative (Rape) → University Expulsion
- Contact (Fondling) → 2 year University Suspension

(continue...)

# SANCTIONING GUIDELINES (\*NEW, INTERNAL)

Beginning from the standard, the ARO(s) or sanctioning administrator(s) may elevate or decrease the severity of the sanction based on aggravating or mitigating circumstances.

	Mitigated ↓	Standard	Aggravated ↑
Penetration (Rape)	Suspension	University Expulsion	(N/A)
Contact (Fondling)	Reduced Suspension; Probation	2 year University Suspension	Expulsion; additional parameters/restrictions

# SANCTIONING GUIDELINES (\*NEW, INTERNAL)

Cause for mitigating or aggravating sanctions should be clearly articulated in the notice of administrative resolution (rationale).

As applicable to	Mitigating Factors ↓	Aggravating Factors ↑
Affected Party/Complainant	Requested leniency	Special vulnerability
Nature of Incident	Circumstances of the offense, such as provocation, stress, or emotional problems that do not excuse the violation but could reduce likelihood of recurrence	Circumstances of the offense, such as weapons, minors, threats, violence, or predation, which heighten degree of harm and/or risk of recurrence
Respondent	Genuine remorse, lack of prior record, contributing mental or physical illness	Lack of remorse; prior record; hate crime; power differential; deception

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# **CASE DEBRIEFING**

# DEBRIEFING AS A PRACTICE

In the interest of continuous improvement, collaboration, effectiveness, and efficiency, we will pilot case debriefing this year.

1. What went well?
2. What did not go well?
3. What observations, questions, or suggestions do you have from your unique perspective that can inform/improve a fair, equitable process in the future?

# TRY IT OUT!

- Small groups – mix of different roles
- **DO NOT DISCUSS ACTIVE CASES** (including appeal pending)
- Maintain decorum – respectful, collegial, oriented towards learning and improvement
- We will come together to share out before closing

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THANK  
YOU!



*Preparing people to lead extraordinary lives*