

Policy Against Discrimination, Harassment, Sexual Misconduct, Relationship Violence and Retaliation

As a Christian institution of higher learning supporting the mission and embodying the faith heritage of the Evangelical Covenant Church, North Park desires to have a campus community “which truly values people and is characterized by integrity, diversity, collegiality, fairness, compassion and joyful living”. North Park is committed to providing and maintaining a welcoming environment, and will not tolerate discrimination, harassment, retaliation, sexual misconduct, dating violence, domestic violence, stalking or any form of intimidation (collectively “Prohibited Conduct”) by any person in any form directed against students, faculty, staff or visitor of the institution. The institution will take prompt and appropriate action when complaints of Prohibited Conduct are received, including appropriate disciplinary action up to dismissal against the perpetrator, if the complaint is substantiated and such discipline is deemed necessary.

This Policy applies to conduct on campus and at University sponsored events and programs off-campus. It also covers other off-premises conduct (e.g., at a private party) if that conduct adversely impacts the ability of a North Park student or employee to enjoy the full benefits of his/her association with North Park.

Enforcement of this Policy will be coordinated by the Director of Human Resources, who shall serve as Equal Opportunity and Title IX (EO/Title IX) Coordinator. The EO/Title IX Coordinator is responsible for seeing that institutional procedures are followed in investigating all allegations or complaints of Prohibited Conduct involving faculty, staff, students and campus visitors. The EO/TITLE IX Coordinator is also responsible for overseeing the University’s compliance with federal equal opportunity laws such as Title VI, Title VII, Title IX, the ADA, ADEA, and similar state laws.

I. Discrimination Prohibited

A. Definition:

Discrimination is defined as unequal, adverse treatment of an individual because of his or her race, color, national origin, sex, age, disability, veteran’s status, or other protected status, as those terms are defined by applicable local, state, and federal law. For instance, different treatment of two similar individuals with respect to hiring, pay, opportunity for advancement, admission to North Park as a student or educational opportunity after admission constitutes discrimination if the reason for the different treatment is the protected status of one of the individuals. Harassment based on any protected characteristic also constitutes discrimination. Discrimination on the basis of sex is prohibited by Title IX of the Education Amendments of 1972, 34 C.F.R. Part 106, and other laws. State and federal law also prohibit discrimination on the basis of each of the above enumerated characteristics. It is North Park policy to comply with all of these laws. However, as a religious institution, North Park reserves the right to make hiring and employment decisions on the basis of religious beliefs or lifestyle consistent with the religious principles espoused by the Evangelical Covenant Church and as permitted by applicable law.

II. Harassment Prohibited

A. Definition:

North Park strives to be a community in which all persons are treated with respect. Any form of harassment is contrary to this goal. Harassment tends to target one or more personal characteristics of the person(s) being harassed. Oftentimes, it focuses upon readily identifiable attributes such as race, color, national origin, sex, age, disability, etc. However, it may also focus upon beliefs or perspectives, such as religion, politics or lifestyle. Harassment, regardless of its

nature, involves unwelcome verbal or physical conduct that implicitly or explicitly demeans an individual or group based on such personal characteristics, and:

1. Affects tangible job or education benefits, or
2. Interferes unreasonably with the education, work or other institutionally sponsored activity of a student, employee or campus guest, or
3. Creates an intimidating, hostile, or offensive environment for education, work or other institutionally sponsored activity.

North Park will not permit harassment and considers harassment based on race, color, national origin, religion, sex, age, disability, veteran's status, or other protected status as those terms are defined by applicable local, state and federal law particularly intolerable. Although North Park does not permit harassment of any person for any reason, this does not imply institutional approval of all beliefs or lifestyles. North Park's institutional position on these matters is necessarily congruent with our sponsoring denomination, the Evangelical Covenant Church.

B. Racial and Ethnic Harassment Defined

1. North Park aspires to be an intercultural community of learning. In order to make this goal a reality, we need to develop sensitivity to, and an educated awareness of, each other's cultures, nationalities and ethnic differences. Demeaning or harassing comments or acts which are racially or ethnically motivated are contrary to the spirit and goals of the North Park community.

2. Harassment on the basis of race, color or national origin can include verbal or physical behavior that explicitly or implicitly demeans the race, color, or national origin of an individual or individuals. Examples of racist or ethnically insensitive harassing conduct include, but are not limited to:

a. Verbal assaults that demean the color, culture or history of any person or persons, and/or that perpetuate false stereotypes. Examples include name-calling and racial or ethnic slurs, slang references and jokes.

b. Nonverbal behavior that demeans the color, culture or history of any person or persons and/or that perpetuates false stereotypes. Such behaviors may include gestures, portrayals, graffiti or acts of exclusion.

c. Intimidation through threats of force or violence or threats of interference with an individual's education, work or other activity.

d. Physical contact or assault because of an individuals' race, color or national origin.

C. Sexual Harassment, Sex Discrimination, Sexual Misconduct, and Relationship Violence

This section supplements the general policy statement set forth above and includes information that addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX") and the Violence Against Women Reauthorization Act of 2013 ("VAWA").

1. Title IX Information

Applicable Federal Law: Title IX is a federal law that prohibits sex discrimination in federally funded education programs and activities. Title IX states as follows:

⁰ The University provides education programs focusing on awareness and prevention. An outline of those programs may be found in Appendix A.

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

b. Discrimination on the basis of sex (i.e., sex discrimination) includes sexual harassment, sexual assault and sexual violence, domestic violence, dating violence, and stalking (collectively, "relationship violence") are also prohibited by this policy.

2. Title IX Policy Statement:

As noted above, it is the policy of the University to provide a work and educational environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined in this policy and as otherwise prohibited by state and federal statutes. Sexual harassment, including acts of sexual assault and sexual violence, is a form of sex discrimination and is prohibited by the University. This prohibition against discrimination on the basis of sex applies to all students, faculty, and staff, to other members of the University community, and to contractors, consultants, and vendors doing business or providing services to the University.

3. Title IX Coordinator:

Any inquiries regarding Title IX or the University's Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Relationship Violence and Retaliation should be directed to the EO/Title IX Coordinators identified below. The Coordinators will be available to meet with or talk to students, staff, and faculty regarding issues relating to Title IX and this Policy. The EO/Title IX Coordinator is responsible for implementing and monitoring Title IX Compliance on behalf of the University. This includes coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of this policy.

a. *Title IX EO/Title IX Coordinator*

*Ingrid Tenglin
Director of Human Resources
Old Main, 3rd floor
(773) 244-5601*

b. *Deputy EO/Title IX Coordinators*

*Elizabeth Snezek
Dean of Students
Center for Student Engagement, Johnson Center room 151
(773) 244-5664*

*Deb Auger
Seminary Dean of Students and Community Life
Nyvall Hall, 1st floor
(773) 244-6222*

- c. *Mailing Address:*
North Park University
3225 W FOSTER AVE
CHICAGO IL 60625

D. External Resources

In addition to the Title IX Coordinators identified above and other campus resources discussed throughout this policy, the University has identified external agencies who can assist members of the North Park community with issues relating to sexual harassment, sexual misconduct, and relationship violence. A list of those resources and contact information may be found in Appendix A_.

E. Sexual Harassment

1. Harassment on the basis of sex is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Harassment on the basis of sex includes (1) verbal or physical behavior that explicitly or implicitly demeans the gender of an individual and (2) sexual harassment. In the employment context, the EEOC, which enforces Title VII, defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis of decisions affecting such individuals; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment.

2. In the education context, sexual harassment may be defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment of a student when submission to or rejection of the conduct by an individual is used as the basis of academic decisions affecting the student or the conduct has the purpose or effect of unreasonably interfering with the student's academic performance or creating an intimidating, hostile, or offensive environment.

3. Sexual harassment can be verbal, visual or physical. It can be overt, as in the suggestion that a person could get a higher grade or a pay raise by submission to sexual advances. The suggestion or advance need not be direct or explicit – it can be implied from conduct and circumstances. Sexual harassment can also consist of persistent, unwanted attempts to change a professional or educational relationship to a personal one, particularly where the attempts involve an abuse of power. The potential for abuse of power is inherent in certain relationships, such as professor and student, or supervisor and subordinate. Members of the North Park community who hold positions of authority should be especially vigilant to this inherent risk in certain relationships and situations. However, harassment among peers is also prohibited.

4. Harassment on the basis of sex can range in severity from sexist remarks, unwelcome sexual flirtations and inappropriate put-downs of individuals or classes of people, to serious physical abuses such as sexual assault and rape.

5. The following list illustrates, but does not exhaust, the possible forms of harassment on the basis of sex. The examples are generally arranged in ascending order of severity.

a. *Behavior that draws unwanted attention to the gender or sexual identity of another person, such as whistling, leering or ogling, in such a way as to create a hostile environment, e.g., through repetition or in combination with other forms of harassment.*

b. *Communication (verbal or non-verbal) which creates a hostile environment. Examples of such behavior, when repeated or pervasive, include unwelcome compliments about appearance, unwelcome requests for personal relationships (e.g., a date), comments with sexual innuendo, obscene gestures, insulting humor or jokes, crude language, graphic commentary about an individual's body, sexual prowess or sexual deficiencies, questions regarding sexual practices, derogatory or demeaning comments about women or men in general, whether sexual or not, displaying objects or pictures which are sexual in nature, sexually-oriented kidding, teasing or flirting. While a single instance of such communications does not create a hostile environment, repeated communications of this nature can create a hostile environment.*

c. *Verbal threats, directed at a person individually or as a group member.*

d. *Unwanted advances including sexual propositions, touching, patting, pinching, caressing, kissing, or brushing against another's body without threat of punishment for non-compliance and without promise of reward for compliance.*

e. *Unwanted advances including the types of behaviors mentioned above in subparagraph (d), whenever they are accompanied by promised rewards or reprisal for lack of cooperation. For example:*

(1) when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or

(2) when submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual.

f. *Nonconsensual sexual activity (e.g., sexual activity with someone not capable of consent because of the influence of drugs, alcohol, or other incapacity, non-stranger rape)*

g. *Assault, physical violence or coerced sexual contact (e.g., rape).*

F. **Stalking:** Stalking is defined as repetitive and/or menacing pursuit, following, harassment and/or interference with peace and/or safety that causes a reasonable person to fear for his/her own safety or the safety of an immediate family member or other person with whom a family-like relationship exists (e.g., a roommate).

G. **Domestic Violence:** Domestic violence includes violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, or other person similarly situated under domestic or family violence law. Domestic violence can be a single event or a pattern of behavior.

H. **Dating Violence:** Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by the duration, type, and frequency of interaction.

I. **Sexual Misconduct**

1. *Sexual misconduct* includes sexual assault, inducing incapacitation for sexual purposes, and sexual exploitation.
2. "Sexual assault" is defined as forcing, threatening, or coercing an individual into sexual contact against the individual's free will with or without the individual's consent. It includes, but is not limited to, inappropriate touching, sexual intercourse of any kind without consent, rape, or attempted rape against that individual's free will. Sexual assault includes having sexual contact with a victim while knowing or having reason to know that the victim was under the influence of alcohol or other drugs or was otherwise unable to consent. Verbal misconduct or any misconduct that does not involve unwanted sexual touching does not constitute sexual assault under the University's policy but may constitute sexual harassment or another form of misconduct.

J. Consent:

1. Consent to sexual activity requires voluntary, positive agreement between the participants to engage in specific sexual activity. Consent is active, not passive. Signals of consent must be part of a mutual and ongoing process, offered freely and knowingly.
2. It is the responsibility of the person who initiates the sexual activity to make sure that he/she has the other person's consent.
3. It is important to remember:
 - a. *Silence, by itself, cannot constitute consent*
 - b. *Consent to one sexual act does not constitute or imply consent to a different sexual act.*
 - c. *Previous consent cannot imply consent to future sexual acts. Consent is required regardless of the parties' relationship status or sexual history together.*
 - d. *A verbal "no," even if it may sound indecisive or insincere, always indicates a lack of consent.*
4. Communicating consent:
 - a. *Consent to sexual activity can be communicated in a variety of ways, but one should presume that consent has not been given in the absence of clear, positive agreement.*
 - b. *While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sex helps to clarify consent. Communicating verbally before engaging in sexual activity is imperative. However potentially awkward it may seem, talking about your own and your partner's sexual desires, needs, and limitations provide a basis for a positive experience.*
 - c. *Consent must be clear and unambiguous for each participant at every stage of a sexual encounter. The absence of "no" should not be understood to mean there is consent.*
 - d. *A prior relationship does not indicate consent to future activity.*
5. Alcohol and drugs:
 - a. *A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, is not capable of giving valid consent.*

b. *The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given.*

c. *Being under the influence of alcohol or drugs does not absolve the initiator of sexual activity from responsibility to obtain clear consent.*

d. *Being under the influence of alcohol or drugs does not make the non-initiating party responsible for non-consensual sexual conduct.*

K. Force: Use of physical violence (such as pushing, hitting, pinning down), threats (direct or indirect expressions of harm to self or others), intimidation (implied or indirect threats or abuse of power), and/or coercion (unreasonable pressure applied after someone communicates (verbally or nonverbally) they want to stop or not go past a certain point).

L. Coercion: Use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

M. Incapacitation: An individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.

III. Preventive Action

A. Early Intervention

1. Some instances of perceived harassment (within categories 5(a) and 5(b)) may be the result of misunderstandings or miscommunications. Sometimes individuals unwittingly make insensitive or careless statements or exhibit behaviors that you may find offensive but that are not intended to give offense. In such circumstances, ongoing problems may be avoided or prevented by early and direct communication with the offending party.

2. The communication should make clear to the offending party that his/her remarks and/or behaviors are unacceptable to you. Several approaches can be used:

a. *Verbal Confrontation - Explain why you view the particular comments or behaviors as offensive. Be firm and direct; make it clear that the comments and/or behaviors are to stop.*

b. *Written Communication - Write a letter to the offending party in which you give a detailed description of the unacceptable comments and/or behaviors. Explain how these incidents make you feel. State that you want the comments/behaviors to stop.*

3. If you are not comfortable discussing the matter directly with the offending party (or if direct preventive action is not successful in stopping the offending comment or behavior) you should pursue the alternatives below. You have the right to proceed directly to file a complaint or confer with an advocate/advisor without first engaging in direct preventive action. (Note: direct preventive action is not recommended if the behavior in question involves physical contact or threats. Instead, you should proceed to a complaint or at least seek advice from the University, as described below.)

B. Good Samaritan: Every member of the community should be alert to violations of this policy and has an obligation to report suspected violations and take action to avert violations, so long as they can do so safely. The University has established a Medical Amnesty/Good Samaritan Policy for this purpose. See Appendix C.

IV. Seeking Advice and Mediation

A. Members of the North Park community who believe they have been subjected to discrimination, harassment or retaliation may seek the assistance of the EO/TITLE IX Coordinator (Director of Human Resources), the Deputy EO/TITLE IX Coordinators (Dean of Students and Dean of Seminary Students and Community Life), and other "Responsible Employees" such as administrators (Deans, Vice Presidents, Directors), faculty, head coaches, residence directors, or residence assistants. Each of these resources will either direct you to the appropriate University official with whom to discuss your complaint or in some circumstance discuss the complaint and options with you.

B. You may seek general guidance without identifying the person who is the subject of the concern or details of the situation. In that circumstance, the discussion will be entirely confidential, but the University's ability to take action may be seriously compromised. If the person is identified, the University may undertake an investigation regardless of whether you wish to initiate a complaint because of the University's obligations to all members of its community. However, the University will take into consideration your wishes in making that decision, and will strive to maintain confidentiality to the greatest degree possible.

C. In all situations except those involving violence or nonconsensual sex, you may seek mediation. See Informal Complaint Procedure below.

V. Response to Sexual Violence

In cases of sexual violence, the key initial concerns are the safety and welfare of the victim and preservation of evidence. Practical guidance on steps to take in the immediate aftermath of sexual violence is set forth in Appendix D.

VI. Reporting Suspected Violations of this Policy and Complaints

A. Any person who is a member of the North Park community and believes that he or she has witnessed, or been subjected to Prohibited Conduct by any other member or members of the North Park community (including campus visitors) may file a complaint. Complaints may also be initiated by Responsible Employees based upon information they receive. Ideally, complaints should be made promptly in order to help assure a just and appropriate determination. However, there is no specific time limit on when a complaint may be made.

B. If the subject of the complaint is a student, the complaint is directed to the Deputy EO/TITLE IX Coordinators: the Dean of Students (undergraduate or graduate) or the Dean of Seminary Students and Community Life, as appropriate.

C. If the subject of the complaint is a member of the faculty or staff, the complaint is directed to the EO/TITLE IX Coordinator: the Director of Human Resources.

D. If the person bringing the complaint is uncomfortable complaining to the individuals and offices identified above or is otherwise unclear as to where a complaint should be made, guidance may be sought from any Responsible Employee.

1. Responsible Employee:

a. *All University administrators (vice presidents, deans, directors), faculty, head coaches, resident directors, resident assistants and staff members of Campus Safety and Security and the Office of Human Resources, are designated as "Responsible Employees."*

b. *Responsible Employees are legally obligated to share information with the University's EO/Title IX coordinator (e.g., reports of sexual assault, relational/domestic violence and stalking). Responsible Employees help ensure that the student's safety and welfare is being addressed, consistent with the requirements of the law. .*

2. Confidential Employees

a. *Personnel designated as "Confidential Employees" are required to maintain the confidentiality of information shared with them and with very limited exception, may not disclose such information to the University's Title IX Coordinator or to anyone else..*

b. *North Park University's Confidential Employees are the Campus Pastor, Athletic Chaplain, and staff in Counseling Support Services and Health Services. See Appendix B for contact information.*

E. Complaint Procedure

1. You may request either an Informal or Formal Complaint Procedure. The University will strive to honor that request. However, the EO/Title IX/ Coordinator in consultation with one or more EO/Title IX Deputy Coordinators may determine the complaint should be handled through the formal complaint procedure. This determination is made based on the severity of the alleged offense and whether or not there is a previous history of complaints against the accused.

2. Informal Complaint Procedure

a. *The EO/TITLE IX Coordinator or appropriate Deputy Coordinator will attempt an informal resolution of the complaint directly and privately with the person complained against, maintaining the anonymity of the complainant if he or she requests it, to the degree possible.*

-OR-

b. *The EO/TITLE IX Coordinator or appropriate Deputy Coordinator and the complainant will seek an informal resolution of the complaint by meeting together with the subject of the complaint. The EO/TITLE IX Coordinator or appropriate Deputy Coordinator will serve as mediator.*

c. *Note: The latter approach is not appropriate in situations involving physical contact or threats. In other situations, it will be taken only if the complainant agrees. In either approach, the Coordinator will help to clarify the parameters of appropriate conduct.*

d. *Each party may be accompanied in the informal procedures by an advocate of his or her own choice.*

e. *An informal complaint will be considered to have been resolved when all parties have stated their acceptance of the outcome of this procedure in writing to the official who has directed the procedure. It should be noted that in some instances, e.g., where the conduct in question has the potential to affect other members of the community, the institution may determine that further action is necessary despite the parties' resolution of the issue.*

3. Formal Complaint Procedure

Unless the responsible Coordinator has already decided that the Formal Complaint Procedure must be followed, a complainant's request that the formal procedure be followed triggers a preliminary inquiry into the facts by the responsible Coordinator (or designee). The purpose of the preliminary inquiry (which may consist solely of an interview of the complainant) is to determine whether there are grounds for further action, i.e., whether there is a reasonable basis for believing that a violation of the University's policy may have occurred.

a. *If the subject of the complaint is a seminary student, the Dean of Seminary Students shall be the responsible coordinator.*

b. *If the subject of the complaint is a student outside the seminary, the Dean of Students shall be the responsible coordinator.*

c. *If the subject of the complaint is a member of the faculty or staff, the Director of Human Resources shall be the responsible coordinator.*

d. *If the responsible Coordinator determines there are grounds for further action, the responsible Coordinator will:*

- (1) Notify the subject of the complaint of the allegations
- (2) Offer the complainant an opportunity to present all information supporting the complaint
- (3) Endeavor to interview any witnesses identified by the complainant
- (4) Offer the subject of the complaint an opportunity to present all information in his/her defense
- (5) Endeavor to interview any witnesses identified by the subject of the complaint

(6) Review any additional applicable evidence (e.g., incident reports, student or personnel files)

(7) Determine, based on all the information presented, whether the complaint is substantiated. In making the determination, the Responsible Coordinator uses a preponderance of the evidence standard, i.e. is it more likely than not that the violation occurred,

e. If the responsible coordinator determines (at either the preliminary inquiry stage or after the full investigation) that the complaint is not substantiated, the responsible coordinator will inform the complainant and the subject of the complaint of the determination and shall close the investigation.

f. If the complainant disagrees with the determination, he/she may appeal the decision utilizing the appeal/grievance procedures set forth in the student handbook, staff handbook, or Manual of Academic Personnel Policies, as appropriate based on the status of the complainant.

g. If the responsible coordinator determines that the complaint is substantiated, the responsible coordinator will identify appropriate corrective action, including, but not limited to, sanctions against the subject of the complaint.

(1) If the subject of the complaint is a staff member, the Director of Human Resources (who serves as the EO/Title IX Coordinator) will determine the sanction in consultation with the staff member's supervisor and any other University official deemed appropriate. An appeal of the sanction may be taken to the appropriate Dean or Vice President at Step 3 of the Grievance Procedure set forth in the Staff Handbook.

(2) If the subject of the complaint is a student, the responsible Coordinator will determine the sanction.

(a) The subject of the complaint may accept or deny the sanctions.

(i) If the subject accepts the sanction(s) the complaint is considered resolved.

(ii) If the subject denies the sanction(s) then the following occurs

(a) If the sanction is severe, i.e., suspension or dismissal, the responsible coordinator will refer the matter for hearing before the student conduct panel, except that any hearing will be private, the responsible Coordinator will serve as the University Representative, another Coordinator who has not previously been involved with the complaint will serve as Panel Chair, and both the complainant and student respondent will have the right to request substitution of one panel member. If the complaint involves a claim of non-consensual sex or other sexual violence, the panel shall not include student members, unless both the complainant and student respondent agree otherwise. Any appeal of the student conduct panel shall be taken to the Vice President for Student Engagement in accordance with the Title IX appeal process set forth in the Student Handbook.

(b) All other sanctions will be levied directly by the responsible Coordinator, but the decision will be subject to the Title IX appeal process set forth in the Student Handbook.

(b) Both complainant and respondent have the right to appeal. The Title IX appeal process can be found in the Student Handbook.

(3) If the subject of the complaint is a faculty member, the Director of Human Resources (who is the EO/TITLE IX Coordinator) will determine the sanction in consultation with the Provost or Dean of the Seminary.

(a) In the case of Tenured, Tenure-Track, and Professional Faculty, if the sanction is severe, i.e., suspension or dismissal, the Provost or Dean of the Seminary will proffer charges pursuant to Section 7.1.5.2 of the Manual of Academic Personnel Policies (MAPP) or Seminary Faculty Manual. A determination whether the severe sanction will be imposed will be made utilizing the procedures in the remainder of Section 7.1 or the Seminary Faculty Manual, whichever is applicable, except that any hearing will be private, the EO/TITLE IX Coordinator will assist the Provost or Dean of the Seminary throughout the proceeding, and the complainant will be accorded the same rights to participate in the hearing as the charged faculty member.

(b) Except as specified in the immediately preceding paragraph, all sanctions against faculty will be levied directly by the Provost or Dean of Seminary. An appeal may be taken to the President utilizing the grievance process in the Manual of Academic Personnel Policies (MAPP) or Seminary Faculty Manual.

(c) *Note: If the subject of the complaint is the decision-maker outlined in the procedure above, or in any other circumstance in which a change in identity of investigators or decision-makers is warranted, the President may appoint other appropriate senior-level administrators to hear the complaint and the defense, and to determine appropriate discipline, if any.*

F. Interim Measures:

During the pendency of the Formal Complaint Proceeding, the University, at its discretion, may take temporary measures to ensure the integrity of the proceeding and to safeguard the complainant and the University community. Such measures may include changes to academic location, schedule, or campus housing situation, limiting or suspending access to University facilities and events or regulating continued interaction between the complainant and the subject of the complaint.

G. Timeframe for Completion of Complaint Proceeding

1. The Informal Complaint Proceeding will be concluded within thirty days of the date the process is initiated, absent extenuating circumstances.
2. The Formal Complaint Proceeding consists of multiple steps.

a. The investigatory portion of the process will be completed within thirty days of the date the process is initiated, absent extenuating circumstances (e.g., unavailability of a critical witness) justifying a delay.

b. The hearing portion of the process (if applicable) will be promptly completed in accordance with the handbook/manual governing the process.

(1) In the case of a student conduct panel, the determination by the hearing panel will be made within thirty (30) days of an investigatory finding substantiating the complaint, absent extenuating circumstances.

(2) In the case of a faculty appeals and sanctions committee hearing, the President's recommendation for final action will be transmitted to the Board of Trustees within thirty (30) days of the faculty appeals and sanctions committee's determination.

H. Records of Proceedings

An official confidential record will be kept of all informal and formal complaints. The record will ordinarily consist of a statement of the complaint itself, a list of meetings and conversations that comprised the proceeding (identifying the time and place of meetings and the participants) and a statement by the administrative officer directing the proceeding as to the resolution of the complaint, a copy of which will be provided to both the complainant and the charged party subject to FERPA privacy restrictions. All materials and records shall be confidential to the degree possible, and shall be maintained separately from regular personnel or student files. However, in the event that a complaint is substantiated, documentation reflecting any resulting discipline may be placed in the offending person's disciplinary or personnel file, and the complainant notified in writing, if such notification is consistent with applicable law.

VII. Rights and Obligations of the Parties

A. Allegations of Prohibited Conduct are generally sensitive in nature, can have a far-reaching impact and may result from differing perceptions. Accordingly, it is imperative that such allegations be treated with respect for privacy of the individuals involved and be

determined by an objective, informed third party if they are not resolved privately. To this end, it should be stressed that allegations should not be publicly disseminated. At the same time, any effort to intimidate the complaining party, a witness, or the subject of the complaint by any means, including confrontation outside this procedure, is prohibited. The North Park community will not tolerate retaliation against or intimidation of those who, in good faith, make complaints, participate in an internal investigation, or participate in an outside agency or court case, just as it will not tolerate the misuse of such complaints or this procedure for an improper purpose. Our collective goal is to ensure that our community is one where all members can work, live and learn with dignity and in freedom.

B. Complainants and respondents shall both be provided with the following in connection with the resolution process of alleged violations of this policy:

1. A copy of all relevant policies procedures, which apply to the allegation(s)
2. Notification of resources available both on campus and in the community
3. The opportunity to speak on their own behalf
4. Provisions for the prompt, fair, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
5. The opportunity to submit other information on their behalf
6. The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act (FERPA) or other applicable law)
7. The parties shall have the same opportunity to be accompanied to any related meeting or proceeding by an advocate. For all cases, the advocate may not speak on behalf of the individual during, or participate directly in, meetings or other proceedings, because the purpose of the advocate is to provide support
8. The opportunity to request the University to take reasonable and necessary action to prevent further unwanted contact between complainant and the respondent including, but not limited to, the immediate relocation of one of the parties to safe alternate housing and transfer of classes, if requested, if such changes are reasonably available
9. The opportunity to request other changes to their academic, living, transportation, and working situations if requested and if such accommodations are reasonably available.

C. The information and opportunities outlined above are provided regardless of whether the complainant chooses to report the alleged policy violation to campus police or local law enforcement.

D. **Advocate:** All parties have the same opportunity to be accompanied to any related meeting or proceeding by an advocate. The advocate may not speak on behalf of the individual during, or participate directly in, meetings or other proceedings, because the purpose of the advocate is to provide support

1. **On Campus:** The University has appointed and trained certain members of the campus community to serve as Title IX Advocates. Title IX Advocates can attend any meetings with the respondent or complainant, answer questions, provide information on legal rights and protections, provide information on campus resources, and help file complaints with the EO/Title IX Coordinator or Deputy Coordinator if assistance is needed.

An updated list of On Campus Advocates can be found at www.northpark.edu/Title-IX

2. **Off Campus:** a respondent and complainant have the right to seek an advocate outside the university community. Outside representation is at the respondent's or complainant's own expense.

VIII. Retaliation Prohibited

A. Definition

Retaliation is defined as adverse action against an individual who has (1) complained about alleged Prohibited Conduct, (2) participated as a party or witness in an inquiry, investigation or hearing relating to such allegations, or (3) participated as a party or witness in a court proceeding or administrative investigation relating to such allegations. Retaliation by any member of the campus community, including students, faculty and staff, is prohibited by state and federal law and violates North Park Policy. Some examples of unlawful retaliation include:

1. A professor giving a student a lower grade because s/he reported harassment;
2. A student barring a classmate from membership in a student-run organization because s/he filed a complaint with the Title IX coordinator;
3. A member of Campus Safety refusing to investigate an incident because a student filed a prior complaint under the University's anti-discrimination policy;
4. Any member of the campus community encouraging others not to participate in an investigation relating to a complaint of discrimination;
5. Denying a campus employee a raise or promotion because he or she participated in a faculty disciplinary hearing.

B. Confidentiality

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the University's ability to conduct an investigation and take any corrective action deemed appropriate by the University.

C. Fabricated Allegations

Any allegations suspected to be fabricated for the purpose of harassing the respondent or disrupting the University's operations are subject to these investigation and grievance procedures and could result in disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff.

IX. Outside Remedies

Nothing in this policy is intended to restrict an individual's right to pursue legal remedies in any agency or court and a person is not required to use this complaint resolution procedure before pursuing outside remedies. At the same time, the right of a member of the North Park community to prompt and equitable resolution of complaints under this policy is not withdrawn by the individual's concurrent pursuit of legal remedies, such as the filing of a charge with federal, state or local agencies, initiating a lawsuit, or pursuit of a criminal complaint. While external proceedings may take precedence over internal procedures in those instances where access to all relevant information is limited as a result of the external proceeding, both external proceedings (e.g., prosecution of a criminal complaint) and internal proceedings (i.e., completion of the Formal Complaint Proceeding) occur concurrently.

APPENDIX A
EDUCATION PROGRAMS

I. Primary Prevention and Awareness Programs

The University will provide primary prevention and awareness programs for all incoming students and new employees that include the following:

1. a statement that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and a description of the University's policies that prohibit this conduct
2. the definition of consent, in reference to sexual activity, as defined under Illinois law and University policy
3. the definition of domestic violence, dating violence, sexual assault, and stalking under Illinois law and University policy;
4. information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for student and employee complainants both on-campus and in the community
5. information about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement.

II. Ongoing Prevention and Awareness Campaigns

The University will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs.

**APPENDIX B
EXTERNAL RESOURCES**

If you wish to see a counselor outside of the North Park University community, we suggest the following:

1. Porchlight Counseling Services

Porchlight provides unlimited free counseling to college students at offices throughout Chicago.

(847) 328-6531 (office)

(773) 730-7077 (helpline)

<http://www.porchlightcounseling.org/index2.php>

2. RAINN: Rape, Abuse & Incest National Network

RAINN is the nation's largest anti-sexual assault organization.

(800) 656-HOPE (helpline)

<https://www.rainn.org/>

3. Rape Victim Advocates

(312) 443-9603

<http://www.rapevictimadvocates.org/>

4. Swedish Covenant Hospital

(773) 878-8200

<http://www.swedishcovenant.org/>

5. YWCA - Sexual Assault Support Services

Operating 24 hours a day, 7 days a week, the Rape Crisis Hotlines provide free numbers where survivors of sexual assault and their significant others can call to receive confidential, immediate assistance.

(888) 293-2080

<http://www.ywcachicago.org/>

APPENDIX C
MEDICAL AMNESTY/GOOD SAMARITAN POLICY

As members of this community, students have a responsibility to each other. Students should take active steps to protect the safety and well-being of each member of our community.

Students are sometimes reluctant in alcohol and/or drug-related emergencies to seek medical attention on behalf of themselves or another student out of fear that they (or the other student) may face sanctions for the use or possession of drugs or alcohol. This reluctance may result in potentially life-threatening situations. North Park seeks to reduce barriers to obtaining needed assistance and create a culture of trust, care, safety, and responsibility.

To encourage students to obtain the help they or their fellow students need without fear of disciplinary penalty or retribution, this Good Samaritan/Medical Amnesty Policy has been adopted. This policy may be invoked by the person in need of assistance and by the person calling for assistance. Neither student will be charged with violating University policy prohibiting the use or possession of drugs or alcohol as a result of reporting alcohol and/or other drug-related emergencies to the proper authorities (9-1-1, Residence Life and Housing staff, Campus Security Officers), for the purpose of seeking medical or safety assistance.

This policy refers to isolated incidents only. It does not:

1. excuse or protect those who flagrantly or repeatedly violate the North Park Community Standards;
2. preclude disciplinary action regarding other violations of Community Standards, such as causing or threatening physical harm, sexual abuse, damage to property, harassment, or hazing; or
3. prevent action by local and state authorities.

APPENDIX D
PROCEDURES TO FOLLOW IN CASE OF SEXUAL VIOLENCE

- A. If you have been a victim of a sex offense, domestic violence, dating violence, sexual assault, or stalking:
1. And are in immediate danger, call 911
 2. Are on campus and need immediate medical assistance, contact the Office for Counseling and Health Services (773-244-4897) and Campus Safety and Security (773-244-5780).
 3. Are off campus and need immediate medical assistance, go to Swedish Covenant Hospital, 2739 West Foster Avenue, Chicago, IL, (773) 878- 8200 *or* the nearest hospital or police station. A university staff person will be contacted to assist you and to provide counsel and support. All services regarding sexual assault are free.
 4. But are not in immediate danger or in need of immediate medical assistance, you may seek support and counseling from the following offices:
 - a. *Responsible Employees***
 - (1) Residence Life (773) 244-5555
 - (2) Dean of Students (773) 244-5655
 - (3) Seminary Student Services (773)244-6219
 - (4) Human Resources (773)244-5601
 - (5) Campus Safety and Security (773)-244-5780
 - b. *Confidential Employees***
 - (1) Campus Pastor (773) 244-4982
 - (2) Counseling and Health Services (773)244-4897
 - (3) Athletic Chaplain (773) 244-4985
- B. Evidence should be preserved: if a rape has occurred, refrain from bathing, showering, washing hands, or changing clothing before the medical exam. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future.)
- C. The location where the assault occurred should not be disturbed; avoid touching or moving anything until Campus Safety and Security or police have investigated.
- D. Attempt to recall the physical description of the offender (clothing worn, age, height, weight, hair color, facial hair, etc.). It may be helpful to write the description down details may be forgotten, especially in stressful circumstances.
- E. Promptly report incidents of sexual violence to Campus Safety and Security and consider reporting the incident to the appropriate police department. Reports and victims will be treated with respect and confidentiality.
- F. The victim may request that an advocate/advisor accompany the victim during questioning and that an officer of the same gender as the victim conduct the questioning.
- G. Report the incident to the EO/Title IX Coordinator, EO/Title IX Deputy Coordinator, or a Responsible Employee.
- H. Learn more about who these individuals are at <http://www.northpark.edu/about/title-ix>
- I. Seek support from a good friend, family member or other person with whom you feel comfortable. If you don't have someone to turn to, contact a Title IX Advocate or these campus resources

APPENDIX E
CAMPUS RESOURCES - CONTACT INFORMATION

1. Responsible Employees

- a. Residence Life (773) 244-5555
Johnson Center, Center for Student Engagement, 1st floor
- b. Dean of Students (773) 244-5655
Johnson Center, Center for Student Engagement, 1st floor
- c. Seminary Student Services (773)244-6219
Nyvall Hall, 1st floor
- d. Human Resources (773)244-5601
Old Main, 3rd floor
- e. Campus Safety and Security (773)-244-5780
Magnuson Campus Center, 1st floor

2. Confidential Employees

- a. Campus Pastor (773) 244-4982
Johnson Center, Center for Student Engagement, 1st floor
- b. Counseling and Health Services (773)244-4897
3317 W. Foster Ave.
- c. Athletic Chaplain (773) 244-4985
Johnson Center, Center for Student Engagement, 1st floor