

Lake Forest Graduate School of Management - Title IX Policy

Amended: October 31, 2023

Supersedes: July 1, 2021

Lake Forest Graduate School of Management (LFGSM) is committed to providing a non-discriminatory and harassment free educational and working environment for all members of the LFGSM community, including students, faculty, administrators, staff, and visitors. This policy prohibits all forms of sexual or gender-based harassment, discrimination or misconduct, including sexual violence, sexual assault, and stalking. Misconduct of this nature is contrary to LFGSM's institutional values and prohibited by state and federal law.

LFGSM encourages the prompt reporting of any incident of sexual or gender-based misconduct to local law enforcement and to LFGSM's Title IX Coordinator using the complaint procedure described in this guideline. This means that anyone that is either a **victim or a witness** of sexual or gender-based misconduct must report the incident.

Upon receipt of a complaint, the School will take prompt and effective action by: providing interim remedies and support for individuals who make a report or seek assistance under this policy (referred to as the "complainant"); conducting a review of the conduct under Title IX of the Education Amendments of 1972; addressing the safety of individuals and the campus community; and as warranted, pursuing resolution through informal measures or formal disciplinary action including immediate expulsion or termination, against the accused individual (referred to in this policy as the "respondent"). The policy provides specific procedures for investigation and resolution based on the role of respondent (student, staff or faculty).

This policy has been developed to reaffirm LFGSM's institutional values, to define community expectations, to provide recourse for those individuals whose rights have been violated, and to provide for fair and equitable procedures for determining when this policy has been violated.

The School is committed to fostering a climate free from sexual and non-sexual harassment and violence, through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints.

Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a grievance procedure is a violation of School policy. Retaliation should be reported promptly to the Title IX Coordinator, which may result in disciplinary action.

The School encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment. In particular, the School expects

that all LFGSM community members will take reasonable and prudent actions to prevent or stop any acts of sexual or any other misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting the Zacharias Sexual Abuse Center or other community based sexual assault crisis center, contacting law enforcement, contacting the Title IX Coordinator or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the School and protected from retaliation.

Notice of Non-Discrimination

The School does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, physical and/or mental disability, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or state, local, or federal law.

This policy addresses all forms of sexual discrimination, including sexual harassment and sexual violence. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

“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.”

This policy prohibits sexual harassment, sexual violence, and stalking of LFGSM community members of any gender, gender identity, gender expression or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

The School, as an educational community, will respond promptly and equitably to reports of sexual harassment, sexual violence and stalking in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

The School has designated Currie Augustine, Director Career & Student Services to serve as the School’s Title IX Coordinator. The Title IX Coordinator oversees LFGSM’s review, investigation, and resolution of reports of sexual harassment, sexual violence and stalking. The Coordinator also oversees the School’s overall compliance with Title IX.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence and stalking involving students, staff, administrators, faculty, vendors, and visitors;

- Knowledgeable and trained in School policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, a respondent or a third party, about the courses of action available at LFGSM, both informally and formally, and in the community;
- Available to provide assistance to any LFGSM employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, or stalking;
- Responsible for monitoring full compliance with all procedural requirements and time frames outlined in this policy; and
- Responsible for training, prevention and education efforts and periodic reviews of climate and culture.

Inquiries or complaints concerning the application of Title IX may contact LFGSM’s Title IX Coordinator:

Currie Augustine
 Title IX Coordinator
 (847) 574-5158
 1905 W. Field Ct.
 Lake Forest, IL 60045
caugustine@lfgsm.edu

Office for Civil Rights
 US Dept of Health & Human Services
 233 N. Michigan Ave., Ste. 240
 Chicago, IL 60601
 Voice Phone (800) 368-1019
 FAX: (312) 886-1807

An anonymous, confidential report may be submitted to: TitleIXComplaints@lfgsm.edu

Confidential Advisors. The following facilities serve as a confidential advisor to help survivors understand their options to report and seek medical, legal and other services. Communication between a confidential advisor and survivor regarding an incident of sexual violence are subject to a privilege outline in the Illinois Civil Code of Procedure.

Zacharias Sexual Abuse Center

Northern Cook and Lake County Sexual Assault Crisis Center 24
 Hour Support Line: 847-872-7799
 Website: www.zcenter.org

ZCenter Skokie - 4232 Dempster St., Skokie, IL 60076
 ZCenter Gurnee - 4275 Old Grand Avenue, Gurnee, IL 60031

Northwest CASA (Coalition Against Sexual Abuse)
 888-802-8890

415 W. Golf Rd., Suite 47 Arlington
Heights, IL 60005

Privacy and Confidentiality

LFGSM is committed to protecting the privacy of all individuals involved in a report of sexual harassment, sexual violence, or stalking. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this policy.

Privacy means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those employees who “need to know” in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

Definitions:

Sexual Harassment: Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, evaluation of academic work, or participation in any aspect of a School program or activity; *or*
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; *or*
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, i.e. it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and objective standard.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is

physical.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

- Physical conduct:
 - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements
 - Unwanted sexual advances within the employment context
- Verbal conduct:
 - Making or using derogatory comments, epithets, slurs or humor
 - Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or

- o obscene letters, notes or invitations.
- o Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes
- Visual conduct:
 - o Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum
 - o Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate
- Written conduct: letters, notes or electronic communications with comments, words, or images described above,
- Quid pro quo conduct:
 - o Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
 - o Offering employment benefits in exchange for sexual favors
 - o Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
 - o Making or threatening reprisals after a negative response to sexual advances

Consent is defined as an exchange of affirmative and clear agreement to sexual activity. It is the responsibility of each party to determine that the other has consented before engaging in the activity.

- A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent,
- A person's manner of dress does not constitute consent,
- A person's consent to past sexual activity does not constitute consent to future sexual activity,
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another,
- A person can withdraw consent at any time, and
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:

(A) The person is incapacitated due to the use or influence of alcohol or drugs;

(B) The person is asleep or unconscious;

(C) The person is underage; or

(D) The person is incapacitated due to mental disability.

Sexual Assault: Having or attempting to have sexual intercourse with another individual:

- By force or threat of force.
- Without effective consent; or
- Where that individual is incapacitated.

Non-Consensual Sexual Contact: Having sexual contact with another individual:

- By force or threat of force.
- Without effective consent; or
- Where that individual is incapacitated.

Stalking: A course of physical or verbal conduct directed at another individual that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party. A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Amnesty & Retaliation: Acts or attempts to retaliate or seek retribution against the complainant, respondent, or any individual or group of individuals involved in the complaint, investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a respondent or complainant. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others.

Reporting

LFGSM encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. Campus authorities will help in notifying law enforcement when requested to do so.

The School encourages all individuals to report any incidences of misconduct to The Title IX Coordinator.

Making a report means telling someone in authority what happened -- in person, by

telephone, in writing or by email. At the time a report is made, a complainant does not have to decide whether to request any course of action, nor does a complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time.

Any individual who reports sexual harassment, sexual violence, or stalking can be assured that all reports will be investigated within 12 hours after receiving notification of a complaint and resolved in a fair and impartial manner. A complainant, a respondent and all individuals involved can expect to be treated with dignity and respect. In every report under this policy, the School will make an immediate assessment of any risk of harm to the complainant or to the broader campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

Interim Protective Measures

The School will make every reasonable accommodation to protect a survivor including making alternative arrangements for courses and enforcing a campus issued order of protection or no contact order.

Options for Resolution

Upon receipt of a report and within 12 hours of the complaint, the Title IX Coordinator will conduct an Initial Title IX Assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual harassment or misconduct. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the complainant's expressed preference for resolution.

Initial Title IX Assessment: In every report of sexual harassment or misconduct, the School will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. The preponderance of evidence standard will be used in these proceedings. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the investigation may be initiated depending on a variety of factors, such as the complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

Investigation: Where the Title IX assessment concludes that disciplinary action may be appropriate, the School will initiate an investigation. The School will designate an investigator who has specific training and experience investigating allegations of sexual

harassment and sexual misconduct. The investigator may be an employee of the School or an external investigator engaged to assist the School in its fact gathering.

The investigator will conduct the investigation in a manner appropriate considering the circumstances of the case, which will typically include interviews with the complainant, the respondent and any witnesses. The interviews will be supplemented by the gathering of any physical, documentary or other evidence. As part of the investigation, the School will provide an opportunity for the parties to present witnesses and other evidence.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The School will seek to complete the investigation within 20 (twenty) business days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case. Both parties shall have the opportunity to provide or present evidence and witnesses on their behalf during the complaint resolution procedure. At the conclusion of the investigation, the report will be forwarded to the Title IX Coordinator.

Information gathered during the review or investigation will be used to evaluate the responsibility of the respondent, provide for the safety of the complainant and the School campus community, and impose remedies as necessary to address the effects of the conduct cited in the report. Where there is sufficient information set forth that, if proven, would constitute a violation of policy, the School will have the discretion to institute Formal Resolution proceedings against the respondent. At the conclusion of the investigation, the School will notify all parties that the investigation is complete and provide information about next steps in the process.

Based on the information gathered in the initial Title IX assessment and/or full investigation, the School will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

The Title IX Coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether formal or informal, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law. Both parties are entitled to receive simultaneous, written notification of the results of the complaint resolution procedure within 7 days of the resolution.

Informal Resolution: Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a respondent.

Where the Title IX assessment concludes that informal resolution may be appropriate, the School will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the complainant's access to the educational activities at the School and to eliminate a hostile environment. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the respondent and/or indirect action by the Title IX Coordinator or the School. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The School will not compel a complainant to engage in mediation, to directly confront the respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the School has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

Formal Resolution: Disciplinary action against a respondent may only be taken through Formal Resolution procedures. Because the relationship of students, staff, and faculty to the School differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy.

Time Frame for Resolution: The School seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and respondent can expect that the process will proceed

according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the School will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Sanctions: If the School finds a respondent in violation of this policy, it may recommend appropriate sanctions that may include, but are not limited to, those set forth below. Sanctions may be issued individually, or a combination of sanctions may be imposed. The complainant and respondent will each have the opportunity to present a written statement about impact and/or requested sanctions. The hearing panel will review these statements only if the respondent has been found responsible for one or more violation.

In general:

- Any member of the LFGSM Community who is determined to have committed sexual assault may receive a sanction ranging from suspension to expulsion (for students) or warning to immediate termination (for faculty or staff.)
- Any member of the LFGSM Community who is determined to have committed non- consensual sexual contact or any other prohibited form of conduct may receive a sanction ranging from conduct warning to expulsion (for students) or warning to immediate termination (for faculty or staff.)

Records: The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Title IX assessment, informal resolution or formal resolution.

Affirmative findings of responsibility in matters resolved through formal resolution are part of a student's conduct record and an employee's personnel record. Such records shall be used to review any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel record.

Generally suspension, expulsion, and withdrawal pending disciplinary action are permanently noted on a student's transcript. The conduct files of students who have been suspended or expelled from the School are maintained in the Title IX Coordinator indefinitely. Conduct files of students who have not been suspended or expelled are maintained by the Title IX Coordinator for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Title IX Coordinator.