



**Sex Based Harassment Policy**  
**Title IX and Sexual Misconduct**  
*Effective August 1, 2024*

**Statement of Purpose:**

Lake Forest Graduate School of Management (LFGSM) is committed to providing a non-discriminatory and harassment free educational and employment environment for all members of the LFGSM community, including students, faculty, administrators, staff, and visitors.

We value an environment that fosters belonging, embraces diversity of background, and encourages diversity of thought. Through our safe, positive and inclusive community, we develop and deliver learning experiences to help unleash the potential of leaders.

**Prohibition of Sex-Based Harassment:**

This policy prohibits all forms of sex-based harassment and LFGSM does not tolerate discrimination on the basis of sex or gender in its educational programs and activities, including employment or admission. LFGSM is dedicated to prohibiting such conduct in all aspects of school life consistent with the school's mission and vision statement, as well as all applicable State and Federal laws. Complaints of Sexual Misconduct will be handled under this policy.

**Notice of Nondiscrimination**

LFGSM does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to <https://lfgsm.edu/policies/> or [TitleIXComplaints@lfgsm.edu](mailto:TitleIXComplaints@lfgsm.edu).

**Title IX Coordinator:**

LFGSM's Title IX Coordinator is Currie Augustine, Director of Career and Student Services, 1905 West Field Court, Lake Forest, Illinois, [caugustine@lfgsm.edu](mailto:caugustine@lfgsm.edu) and 847-574-5158.

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.

Questions, concerns or complaints about the Title IX Coordinator may be made to Karly Long, HR Manager at [klong@lfgsm.edu](mailto:klong@lfgsm.edu).

**External Contact Information:**

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

**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](http://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.

### **Complaint of Sex-Based Harassment:**

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that LFGSM investigate and make a determination about alleged discrimination under Title IX:

- A “complainant,” which includes:
  - o a student or employee of LFGSM who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - o a person other than a student or employee of LFGSM who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in LFGSM’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or

- LFGSM's Title IX Coordinator

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee LFGSM; or
- Any person other than a student or employee who was participating or attempting to participate in LFGSM's education program or activity at the time of the alleged sex discrimination.

LFGSM may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

#### **Basic Requirements of Title IX Grievance Procedures:**

LFGSM will treat complainants and respondents equitably.

LFGSM requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

LFGSM presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

LFGSM has established the following timeframes for the major stages of the grievance procedures:

- Pre-investigation (receipt of complaint, review/dismissal of complaint; notification of complaint): approximately 8 business days
- Investigation: approximately 30 business days
- Determination: approximately 60 business days
- Appeal: approximately 8 business days

LFGSM reserves the right to extend the above time frames depending on the complexity of the investigation.

LFGSM has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

- The Title IX Coordinator has the authority to grant extensions within the institutions Title IX grievance procedures.
- To request an extension, a party must provide a valid reason, like a medical issue, a need for further investigation or a witness unavailability.
- When granting an extension, the Title IX Coordinator must notify all involved parties about the extension and reasons behind it.
- Extensions should be for a reasonable period and not used to extensively delay the process.

To request a reasonable extension:

- Contact the Title IX Coordinator: Currie Augustine at [caugustine@lfgsm.edu](mailto:caugustine@lfgsm.edu) or 847-574-5158 to formally request an extension.
- Provide a detailed explanation on the specific reasons why you need the extension and how it will impact the case.

LFGSM will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

LFGSM will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by LFGSM to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless LFGSM obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

### **Written Notice of Allegations of Sex-Based Harassment**

Upon initiation of LFGSM's Title IX grievance procedures, LFGSM will notify the parties of the following:

- LFGSM Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. [If LFGSM provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]

If, in the course of an investigation, LFGSM decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, LFGSM will notify the parties of the additional allegations.

### **Dismissal of a Complaint:**

LFGSM may dismiss a complaint of sex discrimination if:

- LFGSM is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in LFGSM's education program or activity and is not employed by LFGSM;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and LFGSM determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- LFGSM determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, LFGSM will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, LFGSM will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then LFGSM will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification

to the complainant, or simultaneously if notification is in writing.

LFGSM will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then LFGSM will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, LFGSM will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, LFGSM will, at a minimum:

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

### **Investigation:**

LFGSM will provide for adequate, reliable, and impartial investigation of complaints. The burden is on LFGSM—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

LFGSM will provide an equal opportunity for the parties to present fact witnesses and other

inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. LFGSM will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

LFGSM will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- LFGSM will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. [If LFGSM provides a description of the evidence: LFGSM will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.];
- LFGSM will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- LFGSM will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

### **Questioning the Parties and Witnesses:**

LFGSM will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

- **Initial Contact:** The investigator will reach out to the witness to schedule an interview.
- **Interview:** The investigator will ask questions about the incident and may ask the witness to provide any relevant information. The nature of the questions will depend on the witnesses relationship to the parties involved.
- **Follow up interviews:** The investigator may interview the witness again if new information arises or to clarify previous statements.
- **Written synopsis:** the investigator will provide the witness with a written summary of the interview which the witness can review and edit.
- **Evidence Review:** Towards the end of the investigation all parties will have a chance to review the evidence and make any final statements.
- **Hearing:** The Title IX decision maker will decide which witnesses should attend the hearing. Witnesses are not required to attend but their participation is encouraged.



## Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, LFGSM will:

- Use the [preponderance of the evidence or, if applicable, clear and convincing] standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - o Coordinate the provision and implementation of remedies to a complainant and other people LFGSM identifies as having had equal access to LFGSM education program or activity limited or denied by sex discrimination;
  - o Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - o Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within LFGSM's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

## Supportive Measures:

LFGSM will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to LFGSM's educational program or activity or provide support during LFGSM's Title IX grievance procedures or during the informal resolution process. These supportive measures may include:

- o **Academic Support:** rescheduling assignments, extending deadlines, withdrawing from a course or transferring course sections, if available.
- o **Referrals to Counseling:** Although LFGSM does not provide counseling, staff will refer to counseling services, if requested.

**Disciplinary Sanctions and Remedies:** Following a determination that sex-based harassment occurred, LFGSM may impose disciplinary sanctions, which may include but are not limited to:

- o Educational Outcomes

- Disciplinary Probation
- Removal from class or change to academic schedule
- Expulsion
- Suspension from employment
- Termination of employment

LFGSM may also provide remedies, which may include academic adjustments or accommodations, and workplace adjustments or accommodations.

### **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.

### **Prohibited Conduct under this Policy:**

**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 obscene letters, notes or invitations.
  - Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes
- Visual conduct:
  - Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum
  - 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:
  - Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
  - Offering employment benefits in exchange for sexual favors
  - 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
- 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**

LFGSM encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give Notice to College officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as the use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is the best interest of LFGSM that the Complainants choose to give notice of misconduct to the school officials, that witnesses come forward to share what they know and that all parties be forthcoming during the process.

To encourage reporting and participation in the process the school offers parties and witnesses amnesty from minor policy violations such as the use of illicit drugs or alcohol related to the incident granting amnesty is a discretionary decision made by the school and amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

### **A. Students**

The school also maintains an amnesty policy for students in addition to witnesses who offer help to others in need.

### **B. Employees**

Sometimes employees are hesitant to report discrimination, harassment or retaliation they have experienced for fear of getting in trouble themselves. The school may at its discretion, offer employee complaints amnesty from such policy violations related to the incident.

## **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.

### **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 30 (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.

## Appendix A

### Definitions:

**Complainant** means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

**Complaint** means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

**Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

**Party** means a complainant or respondent.

**Relevant** means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

**Remedies** means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

**Respondent** means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

**Retaliation** means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the 24 person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

**Sex-based harassment** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics,

pregnancy or related conditions, sexual orientation, and gender identity, that is:

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

(2) *Hostile environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in the recipient's education program or activity; or

(3) *Specific offenses*.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship;
- (2) The type of relationship; and
- (3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person

that would cause a reasonable person to:

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

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

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures or during an informal resolution process.