



CITY COLLEGES OF CHICAGO EQUAL OPPORTUNITY AND TITLE IX POLICY

POLICY STATEMENT

City Colleges of Chicago (“CCC”) is strongly committed to ensuring that its learning and work environments are free of discrimination and harassment, which includes sexual harassment. CCC has a zero-tolerance policy against all forms of discrimination or harassment. CCC will take action to stop, remedy, and prevent the recurrence of discrimination or harassment through the enforcement of this policy. The Board of Trustees of the City Colleges of Chicago (“Board”) prohibits unlawful discrimination or harassment with respect to hire, terms and conditions of employment, continued employment, admissions, or participation in Board programs, services, or activities (regardless of whether such programs, services, or activities occur on CCC property) on the basis of race, color, national origin, ethnicity, sex, including gender identity, age, religion, citizenship status, sexual orientation, marital status, pregnancy, order of protection status, disability, genetic information, military status, or status as a member of any other protected class under federal, state, or city law.¹

Prohibited harassment under this policy includes: using racial or ethnic slurs, making religious, ethnic, or gender specific jokes, distributing offensive cartoons or figures, spreading sexual rumors, other conduct which interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment.

CCC reserves the right to take whatever measures it deems necessary in response to an allegation of discrimination and harassment in order to protect the rights and personal safety of students, employees, and other members of the CCC college community. Such measures include, but are not limited to, interim suspension from campus pending a hearing, and reporting the matter to local law enforcement. Not all forms of discrimination and harassment will be deemed to be equally serious offenses, and CCC reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. CCC will consider the concerns and rights of both the complainant and the respondent.

As a recipient of federal funding, CCC is required to comply with Title IX of the Higher Education Amendments of 1972, 10 U.S.C. § 1681 et seq. (“Title IX”). Title IX is a federal civil rights law that prohibits discrimination on the basis of sex — including pregnancy discrimination and sexual harassment — in educational programs and activities. Title IX’s sex discrimination prohibition also extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

¹ As a public community college district, CCC adheres to federal, state and city laws and regulations regarding non-discrimination. Should any federal, state or city law or regulations be adopted that prohibit discrimination based on characteristics not included in this policy, discrimination on those additional bases will also be prohibited by this policy.

The Equal Opportunity ("EEO") Office is responsible for investigating all equal opportunity concerns of CCC employees, applicants for employment, students, applicants for admission, or any other person. These equal opportunity concerns include complaints of discrimination, harassment, hostile work or learning environment, retaliation, intimidation, sexual misconduct, and failure to accommodate due to religion or disability. The head of the EEO Office is the Executive Director of EEO/Labor and Employee Relations. The Title IX District Director is located within the EEO Office.

Any questions regarding EEO or Title IX may be referred to the EEO Office, located at 180 N. Wabash Ave., 2nd Floor, Chicago, IL 60601. The EEO Office can be contacted at eeofficer@ccc.edu or (312) 553-2865. Questions may also be directed to the Office of Civil Rights, U.S. Department of Education, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, Telephone: (312) 730-1560, Email: OCR.Chicago@ed.gov.

EEO COMPLAINT RESOLUTION PROCESS

Who May File a Complaint

Complaints of discrimination, harassment, or retaliation may be made by or against employees, students, or other participants in Board programs, activities, or services.

Filing an EEO Complaint of Discrimination or Harassment

Complaints must be in writing on the CCC Discrimination and Harassment form. To be considered timely, complaints must be filed within 180 days of the discriminatory or harassing act complained of on the form. All complaints must be directed to the EEO Office in the Office of Human Resources at the District Office, or at eeofficer@ccc.edu. For more information, the EEO Office can be reached at (312) 553-2865.

Duty to Report

CCC employees are required to report any incidents of discrimination, harassment, or hostile work or learning environment to the EEO Office regardless of whether the individual being harassed is an employee, student, participant in Board programs, activities, or services, or other person. Additionally, if CCC employees observe acts of harassment, it is recommended that they intervene to stop the harassment unless circumstances would make intervention dangerous.

Students are encouraged to immediately report any incidents of discrimination, harassment, or hostile work or learning environment to the EEO Office.

Investigation Procedures

The EEO Office is responsible for investigating complaints of discrimination, harassment, and sexual misconduct made by students, employees, program participants and visitors.

1. The complainant and the respondent shall be notified in a timely manner that an investigation is being conducted.
2. An investigation will be initiated within forty-five (45) calendar days, after receiving the complaint, if feasible. Holidays, days when CCC has scheduled a recess or emergency, or other closings shall not be counted. Every effort will be made to promptly investigate the complaint.
3. Both the complainant and the respondent will have a full and fair opportunity to present evidence to the EEO Office during the investigatory process in support of or in mitigation of their respective positions. Each party may present evidence and/or witnesses on their behalf.
4. The “preponderance of the evidence” standard will be used in reviewing evidence and information obtained during the investigation to reach a determination. Preponderance of the evidence means that there is more credible information supporting the position of one party, in comparison to the other, so that the facts in question were more likely than not to have occurred.
5. The EEO Office shall file a written report of the investigation and findings with the Chief Talent Officer and/or the College President/Vice Chancellor, which may include a recommendation of disciplinary and/or corrective action to stop, remedy, and prevent recurrence of discrimination, harassment, or sexual misconduct.
6. Both the complainant and the respondent shall be notified in writing of the findings of the investigation.

When a Complaint Is Not Sustained

Where a complaint is found to be without substantive merit, or where a complaint of discrimination or harassment is found to be untimely, a determination of no violation of the EEO Policy will be issued to the complaining and responding individuals. That determination will advise the individuals that no further EEO action will be taken on the complaint. When applicable, the individuals will be referred to other processes which may address the issue(s) alleged in the complaint.

When a Complaint Is Sustained

Where a violation of the EEO Policy is found to exist, the EEO Office will make a recommendation to the Chancellor, College President, or Vice Chancellor regarding a corrective action.

Corrective action recommendations for employees may include discipline up to and including termination of employment, or any other remedy deemed appropriate to address discriminatory or harassing conduct and to prevent its recurrence. Provisions of any applicable collective bargaining agreement will be followed when implementing any corrective action determination against union employees.

In the case of a student, where a violation of the EEO Policy is found to exist, the EEO Office will make a recommendation of an appropriate corrective action to the Dean of Student Services at the

applicable College. Appropriate disciplinary action may range from written reprimands, suspensions, or other action up to and including college dismissal, or expulsion, or any other remedy deemed appropriate to address discriminatory or harassing conduct. Depending on the EEO Office's recommended disciplinary or corrective action, the student may be entitled to an informal or formal disciplinary hearing as outlined in the *Student Code of Conduct*.

CCC will offer Wellness Center counseling and/or referral services to any enrolled student or current employee (and referral services to any former student) found to have been subjected to or to have engaged in harassment, discrimination, and/or sexual harassment.

Prohibition Against Retaliation and Intimidation

Retaliation against and/or intimidation of employees, students, program participants, witnesses or any other persons who make complaints or who cooperate in EEO investigations is strictly prohibited.

Anyone who believes they have experienced retaliation and/or intimidation for reporting discrimination or harassment or for cooperating in an investigation should immediately contact the EEO Office.

Any person found to have retaliated against a person in response to a report or cooperation in an investigation will be in violation of this policy and will be subject to disciplinary action.

Confidentiality of the Investigation

The investigation will be conducted in such a way to maintain confidentiality, to the greatest extent possible, consistent with Board policies, and federal and state law. This confidentiality is required in order to comply with laws and regulations protecting education records of students and employment records of employees, and to provide an orderly process for the determination and consideration of relevant evidence without undue intimidation or pressure. Investigation findings may not be disclosed except as required or authorized by law, or as may be authorized by the Chancellor, College President, or Vice Chancellor.

The EEO Office has a compelling interest in protecting the integrity of its investigations. In every investigation, the EEO Office has a strong desire to protect witnesses from harassment, intimidation and/or retaliation, and to keep evidence from being destroyed. The EEO Office may decide in some circumstances that in order to achieve these objectives, parties and witnesses must maintain the investigation in strict confidence. If the EEO Office reasonably imposes such a requirement and the parties or witnesses do not maintain such confidentiality, they may be subject to disciplinary action.

Duty to Cooperate in EEO Investigations

Any employee or student called upon to participate in an investigation should provide their full cooperation to the EEO Office during the complaint investigation process.

Employees have a specific duty to cooperate with formal investigations. Any employee who fails to cooperate with investigations, or who fails to be completely truthful or withholds information may be subject to disciplinary action.

False Reporting

Any person who knowingly files a false complaint will be subject to an investigation for a potential violation of this policy and will be subject to disciplinary action.

SEXUAL HARASSMENT AND TITLE IX POLICY - GRIEVANCE AND RESOLUTION PROCESS

As a recipient of federal funding, CCC is required to comply with Title IX. Title IX is a federal civil rights law that prohibits discrimination on the basis of sex — including pregnancy discrimination and sexual harassment — in educational programs and activities. Title IX’s sex discrimination prohibition extends to claims of discrimination based on sex including sex stereotype, pregnancy or related conditions, sexual orientation, and gender identity, as well as rules about parental, family, or marital status that treat people differently based on sex.

Sexual harassment is a form of sex discrimination and is prohibited by this policy, Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. 2000e et seq. and Title IX. In general, sexual harassment occurs when an individual is subjected to unwelcome sexual advances, requests for sexual favors, and other expressive or physical conduct of a sexual nature that a reasonable person would find to be offensive, where:

1. Submission to such conduct is made either explicitly or implicitly in a term or condition of employment or academic achievement
2. Submission or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual, or
3. Such conduct has the purpose or effect of substantially interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.

Title IX specifically defines sexual harassment as conduct on the basis sex that meets one or more of the following descriptions:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v) of the Clery Act, "dating violence" as defined in 34 U.S.C. 12291(a)(10) of the Violence Against Women Act ("VAWA"), "domestic violence" as defined in 34 U.S.C. 12291(a)(8) of the VAWA, or "stalking" as defined in 34 U.S.C. 12291(a)(30) of the VAWA.

Examples of sexual harassment may include, but are not limited to sexual advances, repeated date requests, sexual gestures, sexual cartoons or images, discussions about sexual activity, domestic violence, dating violence, stalking, sexual misconduct, and sexual assault.²

Under Illinois law (720 ILCS 5/12-13), the crime of criminal sexual assault is committed when a person does any of the following:

- Commits an act of sexual penetration by the use of force or threat of force;
- Commits an act of sexual penetration and the accused knows that the victim was unable to understand the nature of the act or was unable to give knowing consent;
- Commits an act of sexual penetration with a victim who was under 18 years of age when the act was committed, and the accused was a family member; or
- Commits an act of sexual penetration with a victim who was at least 13 years of age but less than 18 years of age when the act was committed, and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

Sexual harassment is a form of sex discrimination. Sex discrimination involves treating someone unfavorably because of that person's sex, including the person's sexual orientation, gender identity, or pregnancy. Discrimination against an individual because of gender identity, including transgender status or sexual orientation, is discrimination and is in violation of Title VII and Title IX.

Gender-based harassment means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature whether verbal, nonverbal, or physical aggression, intimidation or hostility based on sex or sex-stereotyping when:

- Derogatory comments, jokes, or gestures made by student(s), co-worker(s), or programmed participant(s) about a person's sexual status or identity;
- Not hiring, firing, or promoting someone based on their gender; or
- Not permitting a person to participate in a program or activity based on their gender.

Reporting a Complaint of Sex-Based Harassment or Discrimination

Under Title IX, CCC is obligated to address allegations and suspected instances of sex-based harassment or discrimination when it has received actual knowledge that the policy may have been

² See Appendix for definitions and additional examples.

violated. CCC must inform the respondent of the allegations (this includes sharing the identity of the complainant with the respondent when a formal complaint is filed) and may take any further action it deems appropriate, including pursuing an investigation even in cases when the complainant is reluctant to proceed. The complainant will be notified in advance when such an action is necessary.

Any individual who believes they have been subjected to sexual harassment should report the alleged sexual harassment immediately to the EEO Office in the Office of Human Resources at the District Office, or at eeofficer@ccc.edu. Title IX campus coordinators, CCC employees and Campus Security are also available to assist in making reports. Complaints must be filed within 180 days of the discriminatory or harassing act complained of on the form. For more information, the EEO Office can be reached at (312) 553-2865.

1. If any other employee receives a report or information of sexual harassment, the employee must immediately report the alleged sexual harassment to the EEO Office.
2. Individuals are strongly encouraged to report incidents of, or share information about, sexual harassment as soon as possible after the incident occurred. CCC may ultimately be unable to adequately investigate if too much time has passed or if an accused individual has left CCC. Other factors that could negatively affect CCC's ability to investigate include the loss of physical evidence and the potential loss of memory or departure of witnesses.
3. Any individual who believes they have been subjected to sexual harassment should make every effort to preserve evidence as may be necessary for the proof of sexual harassment or for obtaining an order of protection.
4. Formal complaints may be made at any time and must be submitted in writing on the City Colleges Discrimination and Harassment Form. All complaints must be directed to the EEO Office located at the District Office. For more information, contact:

EEO Office/ Title IX District Coordinator

Emily Chu, Interim Title IX Director
180 N. Wabash Avenue, Suite 200
Chicago, IL 60601
(312) 553-2865
eeofficer@ccc.edu

6. Because sexual harassment is a serious offense that has the potential to threaten the safety and wellbeing of the college community as a whole, in some instances CCC may be obliged to pursue the alleged sexual harassment without the cooperation of the recipient of the harassment. In such instances, the EEO Office will inform the individual subjected to the alleged sexual harassment of its obligation to address a serious safety issue.

7. If applicable, individuals have the right to file a complaint with the EEO Office and a criminal complaint simultaneously.

Supportive Measures

Supportive measures are non-disciplinary and non-punitive accommodations that are intended to restore or preserve parties' equal access to CCC educational programs and/or activities. There does not need to be a formal complaint to receive supportive measures.

The EEO Office is required to offer supportive measures for the parties upon receiving actual knowledge of alleged Title IX policy violations or upon request by either of the parties. The EEO Office's obligation to offer supportive measures exists whether or not the complainant determines to file a formal complaint.

Additionally, the Wellness Center at each college provides confidential assistance and emotional support to victims of sexual assault, sexual or gender harassment, and interpersonal relationship violence through individual counseling, informational resources, and linkage to community-based support. Further, the Wellness Center promotes awareness and prevention of sexual assault to the entire CCC college community through outreach programming, including workshops and informational table programs. Wellness Center staff understand the specific needs of victims and are able to provide understanding and non-judgmental support.

Title IX Emergency Removal

CCC can act to remove a respondent entirely or partially from its education program/activities or CCC employment on an emergency basis when an individualized assessment of safety and risk is determined to have an immediate threat to the physical health or safety of any student or other individual justifies removal from CCC. This risk assessment is determined by the EEO Office, or by the college's Student Conduct Committee and/or Supportive Intervention Team ("SIT") using their standard procedures. (See Appendix B.)

Title IX Complaint Dismissal

In the event that prior to, or in the course of, a grievance process, the EEO Office determines that the allegations meet the requisite elements for dismissal, the complaint will be dismissed.

Complaints will be dismissed if they fall under one or more of the following categories:

- The complaint or alleged conduct does not meet the definition of sexual harassment;
- The alleged conduct did not occur in CCC's education programs or activities; or
- The alleged conduct did not occur in the U.S.

Additionally, the EEO Office may, in its discretion, dismiss a formal complaint if:

- The complainant informs the EEO Office in writing that they desire to withdraw the formal complaint or allegations therein;
- The respondent is no longer enrolled or employed by CCC; or
- Specific circumstances prevent CCC from gathering sufficient evidence to reach a determination.

Dismissals are only for Title IX purposes and do not preclude CCC from addressing the conduct in any manner that CCC deems appropriate. Dismissal decisions are appealable by any party. (See Appendix B).

Parties' Right to an Advisor

Under U.S. Department of Education regulations, the parties may each select an advisor of their choice to be present at any and all meetings within the grievance process. All advisors are subject to CCC policies and procedures. The parties may select whomever they wish to serve as their advisor and consult with them throughout the grievance process. The parties may choose an advisor at any point during the grievance process. Advisors are not permitted to directly participate in CCC's investigation process, meetings, or conferences, for example, making opening or closing statements, subpoenaing witnesses or information, presenting evidence, making procedural objections, questioning witnesses, or otherwise actively participating.

During the live hearing parties' advisors must conduct the cross-examination. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an advisor for a hearing, CCC will appoint a trained advisor³ for the limited purpose of conducting cross-examination.

Title IX Grievance and Investigation Procedures

The EEO Office is responsible for investigating complaints of sexual misconduct made by students, employees, program participants, and visitors.

1. Upon receipt of a complaint or notice of an alleged violation of this Policy, the Title IX Coordinator will initiate a prompt assessment to determine immediate needs by initiating the following responses as appropriate:
 - a. Offer supportive measures even though the complainant does not want to proceed formally;
 - b. Offer supportive measures and initiate a Formal Grievance Process including an investigation and a hearing to determine whether or not the Policy has been violated;
 - c. If mutually agreed upon by both parties in writing, explore an informal resolution; and
 - d. Assess the need for possible emergency removal or dismissal.

2. If a formal grievance process is initiated, the complainant and respondent shall be notified in a timely manner that an investigation is being conducted. Investigations involve interviews with the parties and relevant witnesses and obtaining available and relevant evidence. The parties will have a full and fair opportunity to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

³ CCC appointed advisors are expected to perform their job duties without neglect while participating in the Title IX Grievance and Investigation process.

3. An investigation will be initiated within ninety (90) calendar days after receiving the complaint, if feasible. Holidays, days when CCC has scheduled a recess or emergency, or other closings shall not be counted. Every effort will be made to promptly investigate the complaint.
4. Both the complainant and the respondent will be treated equitably and have a full and fair opportunity to present evidence to the EEO Office during the investigatory process in support of or in mitigation of their respective positions.
5. Prior to the final determination of responsibility made by the EEO Office, the respondent will be presumed to be not responsible for the conduct described in the complaint. Each party may present evidence and/or witnesses on their behalf.
6. No information protected by a legally recognized privilege will be sought out or used by the college unless a party chooses to voluntarily waive such privilege. Such information includes, but is not limited to, attorney-client conversations and confidential medical information. Parties are additionally entitled to an advisor of their choice, who may accompany them to interviews and to the live hearing. Complainant and respondent will receive written notification of any meetings or interviews conducted by the EEO Office related to the complaint.
7. Investigators shall not have any existing conflicts of interest with either the complainant or respondent. Investigators will be trained in appropriate investigation techniques and in the use of relevant technology.
8. The EEO Office shall gather evidence from the complainant and respondent, as well as other relevant evidence, and file a written report objectively summarizing the collected evidence. The written summary of evidence will be distributed to the complainant and respondent for review not less than ten (10) days prior to the written summary being filed. Once the written summary is complete, it will be distributed to the complainant, respondent, and the parties' advisors for their use.
9. A live hearing, to be conducted in person or via a remote meeting application, will be scheduled not less than ten (10) days after the written summary of evidence is sent to the parties for review.
10. The hearing will be conducted by a panel comprised of CCC employees ("hearing panel") and a representative from the EEO Office ("hearing chair"). The hearing panel and hearing chair shall be impartial and free from bias or conflict of interest. The parties will be informed of the identities of the hearing panel and hearing chair before the live hearing. If a complainant or respondent has concerns that one or more of the hearing panel or hearing chair cannot conduct a fair and unbiased hearing, they may report those concerns to the EEO Office. The EEO Office will assess the circumstances and decide whether a different hearing panel or hearing chair should be assigned.

11. The hearing is an opportunity for the parties to address the hearing chairs and hearing chair in person and to question the other party and/or witnesses. The live hearing is also an opportunity for the hearing chairs and hearing chair to obtain additional information that is necessary to make a determination of whether a policy violation occurred. Both parties are required to attend the hearing. If a party chooses not to attend the hearing, or refuses to submit to cross-examination at the hearing, the hearing chairs and hearing chair will not draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions. Additionally, the hearing chairs and hearing chair may consider statements made by parties or witnesses that are otherwise permitted under this policy, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility.
12. The hearing chair has broad discretion to determine the hearing format. The hearing chair is responsible for maintaining an orderly, fair, and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person.
13. The complainant or the respondent may make requests to the EEO Office related to the format or the nature of their participation in the hearing. The EEO Office will work with the hearing chair to accommodate reasonable requests.
14. All live hearings will be held in person at a designated CCC location or via a remote meeting application, at the discretion of the EEO Office. Parties will be placed in different rooms and will be able to see and hear each other through the use of an online meeting application or similar software. In case of a campus shutdown or other extenuating circumstances, the hearing will be held online over a meeting application.
15. The live hearing is closed to the public. The complainant and respondent are allowed to have one advisor of their choice present throughout the hearing process. Parties will be notified in advance of the identities of those who will be in attendance or presenting witness testimony.
16. An official audio recording or official transcription will be made of the live hearing. Parties are prohibited from making any audio or video recordings of any kind during the hearing, including cellphone recordings. No audio or video recording equipment will be permitted in the hearing rooms except as arranged by the EEO Office.
17. Prior to the live hearing, the complainant and respondent shall each submit to the hearing chair the names of any witnesses they wish to have speak at the live hearing, and any questions they plan to ask of witnesses or the opposing party. The hearing chair will review the submitted questions for issues of bias and relevancy. Questions which show bias or are irrelevant will be either modified or struck from the list at the discretion of the hearing chair, before being returned to the parties. During cross-examination, parties must strictly adhere to the questions they have presented to the hearing chair for review. If, during cross-

examination, a party wishes to ask a question which is not on the pre-reviewed or pre-approved list of questions, it is up to the hearing chair whether or not the question has relevancy or bias and if the question will be allowed.

18. The hearing chair will have absolute discretion to decide upon a format for the live hearing and to determine which witnesses are relevant to the outcome determination. The hearing officer may decline to hear from a witness if they decide that the information is not necessary for the outcome determination.
19. A typical hearing may include brief opening remarks by the hearing chair; questions posed by the hearing chairs to one or both of the parties; follow-up questions by one party to the other; questions by the hearing chairs to any witness; and follow-up questions by either party to any witnesses. The hearing chair will also afford either party an opportunity at the end of the hearing to offer closing remarks read by the party's chosen advisor. A decision whether to offer closing remarks is completely voluntary.
20. Complainant, respondent, witnesses, and other individuals sharing information with the hearing chairs and hearing chair are expected to provide truthful information in any proceeding under this policy.
21. Following the live hearing, the hearing chairs and hearing chair will consider all of the evidence and make a determination by a preponderance of the evidence whether the respondent has violated the Title IX Policy. The hearing chair will issue a written Notice of Hearing Outcome report, which will contain the hearing chairs' and hearing chair's factual findings, determination of whether a violation of the EEO policy occurred, and a summary of the hearing chairs' and hearing chair's rationale in support of the hearing outcome.
22. The preponderance of the evidence standard will be used in reviewing evidence and information obtained during the investigation and hearing to reach a determination. Preponderance of the evidence means that there is more credible information supporting the position of one party, in comparison to the other, so that the facts in question were more likely than not to have occurred (e.g. more than 50%). The hearing chairs and hearing chair will objectively evaluate all evidence.
23. Following the live hearing, the EEO Office shall file a final written report of the findings of the investigation and a determination of responsibility with the Chief Talent Officer and/or the College President/Vice Chancellor. The final written report will include any disciplinary and/or corrective action to restore parties' equitable access to education.
24. Both the complainant and the respondent shall be notified in writing of the findings of the investigation.

Title IX Appeal

A complainant or respondent who disagrees with the final determination made by the EEO Office may file a written appeal contesting the decision. An appeal must be filed within ten (10) calendar days of receipt of the EEO Office's final determination. Appeals may be filed based on:

- Procedural irregularity;
- A conflict of interest which affected the final determination; or
- The discovery of new evidence which was not reasonably available by the date of the Hearing (see Appendix B).

Prohibition against Retaliation and Intimidation

Retaliation against and/or intimidation of employees, students, program participants, witnesses or any other persons who make complaints or who cooperate in Title IX investigations is strictly prohibited. Any person who is found to have retaliated against a person in response to a report or cooperation in an investigation will be in violation of this policy and will be subject to disciplinary action. Anyone who believes they are the victim of retaliation in an investigation should immediately contact the EEO Office.

Confidentiality and Privacy

CCC recognizes the importance of confidentiality and privacy. The investigation will be conducted in such a way to maintain confidentiality, to the greatest extent possible, consistent with Board policies, and federal and state law. This confidentiality is required in order to comply with laws and regulations protecting education records of students and employment records of employees, and to provide an orderly process for the determination and consideration of relevant evidence without undue intimidation or pressure. Please note: CCC must inform the respondent of the allegations; this includes sharing the identity of the complaint with the respondent when a formal complaint is filed.

The EEO Office has a compelling interest in protecting the integrity of its investigations. In every investigation, the EEO Office has a strong desire to protect parties from harassment, intimidation and retaliation, and to keep evidence from being destroyed. Parties have the right to discuss this matter with advisors and others. We ask parties for discretion in what parties choose to share and hope that parties will respect the private and sensitive nature of these allegations.

In certain instances, the EEO Office may notify certain CCC parties of reported incidents. Those individuals may include the Chancellor, Chief Talent Officer, President(s), Dean(s) of Student Affairs, Human Resource Directors, Safety and Security, and SIT.

Duty to Cooperate in Title IX Investigations

Any employee or student called upon to participate in a Title IX investigation should provide their full cooperation to the EEO Office during the complaint investigation process. Every employee shall have a duty to fully cooperate with the investigation. Failure to do so may result in disciplinary action. Additionally, every employee has the duty to be truthful and disclose all information known to the employee when requested to do so by an authorized person designated to investigate an alleged incident of violence. Any employee who fails to be completely truthful or withholds information may be subject to disciplinary action.

Amnesty Provision for Students

Pursuant to the Illinois Preventing Sexual Violence in Higher Education Act, any student who reports, in good faith, an alleged violation of this policy to a mandatory reporter will be immune from a disciplinary sanction for a student conduct violation that is revealed in the course of making the report. Examples of such student conduct violations include, but are not limited to, underage drinking or possession and/or use of an illegal controlled substance. Note that such immunity will not apply to egregious violations, as determined by CCC, including without limitation any action that places the health or safety of any other person at risk.

False Reporting

Any person who knowingly files a false complaint will be subject to an investigation for a potential violation of this policy and will be subject to disciplinary action.

Remedies/Sanctions

When the hearing chair or panel make a finding of a policy violation, they will take steps to stop the alleged sexual harassment, prevent its reoccurrence, and remedy the effects on the complainant and others, as appropriate. Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

When the respondent is a student, potential sanctions may include:

- Disciplinary notice (verbal or written warning);
- Withholding degree;
- Educational courses or counseling;
- Disciplinary probation;
- Suspension;
- Expulsion; and
- Other appropriate educational/program sanctions (e.g., organization sanctions such as loss of recognition and deactivation, suspension of athletic participation).

When the respondent is an employee, disciplinary and/or corrective actions may be taken. Disciplinary corrective actions include verbal or written warnings, required training, demotion, suspension, termination, and any other appropriate corrective actions.

Individuals who are both students and employees may be subject to corrective action and sanctions under both student and employee policies.

When CCC is unable to proceed with investigative resolution, CCC may take other remedial measures as appropriate to remedy the effects of the alleged conduct and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation.

APPENDIX A – FEDERAL DEFINITIONS (34 C.F.R. Part 106; 34 C.F.R. 106.2)

Actual knowledge (34 C.F.R. § 106.30) means giving written notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX coordinator.

Age means the chronological age of a person who is at least 40 years old.

Appeal (34 C.F.R. §106.45(b)(1)(viii)) is a process in which cases are reviewed, where parties request a formal change to an official decision.

Citizenship status means the status of being a born U.S. citizen, a naturalized U.S. citizen, a U.S. national, or a person born outside the United States and not a U.S. citizen, or immigration status.

Complainant (34 C.F.R. §106.30) means as an individual who has reported being subjected to conduct that could constitute sexual harassment, or on whose behalf the Title IX coordinator has filed a formal complaint.

Confidential Resources (34 C.F.R. §106.30) means an employee who is not a mandatory reporter or an official with authority (irrespective of Clery Act Campus Security Authority). Each campus encompasses a Wellness Center. Each Wellness Center has a trained Title IX Confidential Advisor. In cases of temporary employment transitions parties seeking confidential resources can refer to other campuses.

Consent (34 C.F.R. §106.30) involves explicit communication and mutual approval for the act in which the parties are/were involved. A sexual encounter is considered consensual when individuals willingly and knowingly engage in sexual activity. The use of coercion in instances of sexual assault involves the use of pressure, manipulation, substances, and/or force. The absence of "No" is not a "Yes."

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

Cross-examination is a process of questioning that examines the testimony of a complainant, respondent or witness who has already testified in order to check or discredit the individual’s testimony, knowledge, or credibility.

Dating violence (34 U.S.C. § 12291(a)(10)) is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Day(s) means a business day when CCC is in normal operation.

Determination of responsibility is a written determination identifying the allegations potentially constituting sexual harassment.

Disability means an individual with a physical or mental impairment that substantially limits one or more major life activities of the individual; has a record of impairment; or is being regarded as having such impairment.

Discrimination means treating an individual less favorably because of a legally protected category or characteristic.

Domestic violence (20 U.S.C. § 1092(f)(6)(A)(v)) is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Education program or activity means locations, events, or circumstances where CCC exercises substantial control over both the complainant and respondent and the context in which the sexual harassment or discrimination occurs and includes any building owned or controlled by a student organization that is officially recognized by CCC.

Formal complaint (34 C.F.R. §106.30) is a document signed by a complainant or by the Title IX coordinator alleging sexual harassment against a respondent about conduct within its education program or activity and requesting initiation of CCC's grievance process.

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, or information about the manifestation of a disease or disorder in an individual's family members (i.e., family medical history).

Gender-based harassment is harassment based on actual or perceived sex, sexual orientation, gender identity, gender expression, or pregnancy. Such harassment may include acts of aggression, intimidation, or hostility, whether verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

Examples of conduct that may constitute gender-based harassment include but are not limited to:

- A series of written, verbal, or electronic statements that disparage a person based on their actual or perceived sex, gender identity, gender expression, sexual orientation, or pregnancy;
- Threats of violence toward an individual based on their actual or perceived identity; within a protected class, or toward an entire sex, gender identity, gender expression, sexual orientation, or pregnancy status as a group; and/or
- Defacing CCC property, or another individual's property, with symbols or language intended or understood by a Reasonable Person to disparage or threaten a person or group based on sex, gender identity, gender expression, sexual orientation, or pregnancy.

Harassment is the unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be verbal, written, visual, or physical. Examples of harassment prohibited by this policy include but are not limited to:

- a professor making a religious joke in class;
- a student making a joke about another student in a wheelchair;
- a professor giving a student a better grade because of his race.

Hostile work or learning environment occurs when an employee or student (or group of employees or students) is being harassed or discriminated against to the point where they feel unsafe and uncomfortable while at work.

Incapacitation occurs when someone cannot make a rational, reasonable decision because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction)

Hearing Officers(s)/Decision Maker(s) is a person(s) who evaluates and decides the best course of action at hearings.

Mandatory reporter means an employee of CCC who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX coordinator. Complaints made to mandatory reporters does not constitute actual knowledge but does put the school on notice of possible violation of the sexual harassment or discrimination.

Marital status means the legal status of being married, single, separated or divorced or widowed.

Military status means a person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast

Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.

National origin means the place in which a person or one of his or her ancestors was born.

Order of protection means a person's status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by a court of another state.

Pregnancy means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

Rape is a form of sexual assault. Rape is any non-consensual acts involving the penetration of the sex organs, anus, or mouth. Acquaintance rape is defined as forced, manipulated or coerced sexual contact by someone the victim knows.

Reasonable person means a standard of evaluation utilizing the objective standpoint of a person under similar circumstances, in a similar environment, and with similar identities to the individual alleging discrimination, harassment, or sexual misconduct.

Recipient (postsecondary institutions) means any public or private institution to whom Federal financial assistance is extended directly or through another recipient, and which operates an education program or activity which receives such assistance.

Religion means all aspects of religious observations, practices, and beliefs.

Remedies means post-finding actions directed to the complainant and respondent as a mechanism to address safety, prevent recurrence, and restore access to CCC's educational program.

Respondent (34 C.F.R. §106.30) means an individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or sexual harassment.

Retaliation (34 C.F.R. §106.71) is adverse treatment of an individual because they made a discrimination or harassment complaint or cooperated with an investigation of a discrimination or harassment complaint. No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Sanction means a consequence imposed by CCC on a respondent who is found to have violated this policy.

Sexual assault (20 U.S.C. § 1092(f)(6)(A)(v)) means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation as defined (“Clery Act”).

Sexual assault is defined as sexual penetration (oral, anal, or vaginal) by force or threat of force or an act of sexual penetration when the victim was unable to understand the nature of the act or was unable to give knowing consent.

Sex discrimination involves treating someone (a student, applicant, or employee) unfavorably because of that person's sex, including the person's sexual orientation, gender identity, or pregnancy.

Sexual harassment (34 C.F.R. § 106.30) is a form of sex discrimination. Sexual harassment is conduct on the basis of sex that satisfies one or more of the following that jeopardize the equal access to education that Title IX is designed to protect:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v) of the Clery Act, “dating violence” as defined in 34 U.S.C. § 12291(a)(10) of the VAWA, “domestic violence” as defined in 34 U.S.C. § 12291(a)(8) of the VAWA, or “stalking” as defined in 34 U.S.C. § 12291(a)(30) of the VAWA.

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. A person of any gender can commit sexual misconduct, and it can occur between people of the same or different gender. Sexual misconduct means any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.

Sexual offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sexual penetration means any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of

another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

Stalking (34 U.S.C. § 12291(a)(30)) occurs when a person(s) engages in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. Stalking also includes cyber stalking. Cyber stalking occurs when a person knowingly and without lawful justification on at least two separate occasions intimidates, torments, or terrorizes another person or that person's family member(s) through the use of electronic communication and transmits a threat of future bodily harm, sexual assault, confinement, or restraint; or knowingly solicits another person to commit stalking or cyber stalking; or creates and maintains an Internet website or webpage accessible to one or more third parties for a period of at least 24 hours containing harassing statements as outlined above toward another person or that person's family member(s). Repetitive, non-consensual communication of any kind including that which involves the use of electronic equipment or technology for the purposes of cyber stalking is also a violation of the CCC Reasonable Computer Use Policy. Examples of cyber stalking include, but are not limited to e-mail, voicemail messages, text messages, instant messages, global positioning systems (GPS), and cell phone software applications.

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

Supportive measures (34 C.F.R. §Section 106.30) mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed.

APPENDIX A1 – STATE DEFINITIONS

Aggravated Criminal Sexual Assault (720 ILCS 5/11-1.30)

(a) A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:

- (1) the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
- (2) the person causes bodily harm to the victim, except as provided in paragraph (10);
- (3) the person acts in a manner that threatens or endangers the life of the victim or any other person;
- (4) the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;
- (5) the victim is 60 years of age or older;
- (6) the victim is a person with a physical disability;
- (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;
- (8) the person is armed with a firearm;
- (9) the person personally discharges a firearm during the commission of the offense; or
- (10) the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) A person commits aggravated criminal sexual assault if that person is under 17 years of age and: (i) commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.

(c) A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.

Consent (720 ILCS 5/11-1.70)

(a) means a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.

(b) A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.

Cyberstalking (720 ILCS 5/12-7.5)

(a) A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to:

- (1) fear for his or her safety or the safety of a third person; or
- (2) suffer other emotional distress.

(a-3) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and:

- (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; or
- (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or
- (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(a-4) A person commits cyberstalking when he or she knowingly, surreptitiously, and without lawful justification, installs or otherwise places electronic monitoring software or spyware on an electronic communication device as a means to harass another person and:

- (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person;
- (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or
- (3) at any time knowingly solicits the commission of an act by any person which would be a violation of [the Criminal] Code directed towards that person or a family member of that person.

For purposes of this Section, an installation or placement is not surreptitious if:

- (1) with respect to electronic software, hardware, or computer applications, clear notice regarding the use of the specific type of tracking software or spyware is provided by the installer in advance to the owners and primary users of the electronic software, hardware, or computer application; or
- (2) written or electronic consent of all owners and primary users of the electronic software, hardware, or computer application on which the tracking software or spyware will be installed has been sought and obtained through a mechanism that does not seek to obtain any other approvals or acknowledgement from the owners and primary users.

(a-5) A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:

- (1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or
- (2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or
- (3) which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(c) For purposes of this Section:

(1) "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.

(2) "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail. (2.1) "Electronic communication device" means an electronic device, including, but not limited to, a wireless telephone, personal digital assistant, or a portable or mobile computer. (2.2) "Electronic monitoring software or spyware" means software or an application that surreptitiously tracks computer activity on a device and records and transmits the information to third parties with the intent to cause injury or harm. For the purposes of this paragraph (2.2), "intent to cause injury or harm" does not include activities carried out in furtherance of the prevention of fraud or crime or of protecting the security of networks, online services, applications, software, other computer programs, users, or electronic communication devices or similar devices.

(3) "Emotional distress" means significant mental suffering, anxiety or alarm.

(4) "Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

(5) "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(6) "Reasonable person" means a person in the victim's circumstances, with the victim's knowledge of the defendant and the defendant's prior acts.

(7) "Third party" means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

(d) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service

providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

Domestic Violence (750 ILCS 60/103(1 & 3)) means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

Physical Abuse (750 ILCS 60/103(14)) includes sexual abuse and means any of the following:

- (i) knowing or reckless use of physical force, confinement or restraint;
- (ii) knowing, repeated and unnecessary sleep deprivation; or
- (iii) knowing or reckless conduct which creates an immediate risk of physical harm.

Harassment (750 ILCS 60/103(7)) means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

- (i) creating a disturbance at petitioner's place of employment or school;
- (ii) repeatedly telephoning petitioner's place of employment, home or residence;
- (iii) repeatedly following petitioner about in a public place or places;
- (iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
- (v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioners from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or
- (vi) threatening physical force, confinement or restraint on one or more occasions.

Sexual Abuse (720 ILCS 5/11-1.50)

(a) A person commits criminal sexual abuse if that person:

- (1) commits an act of sexual conduct by the use of force or threat of force; or
- (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.

(b) A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.

(c) A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.

Sexual Assault (720 ILCS 5/11-1.20)

(a) A person commits criminal sexual assault if that person commits an act of sexual penetration and:

- (1) uses force or threat of force;
- (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent;
- (3) is a family member of the victim, and the victim is under 18 years of age; or
- (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

Sexual Harassment (5 ILCS 430/5-65) means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or
- (c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Penetration (720 ILCS 5/11-0.1) means any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

Stalking (720 ILCS 5/12-7.3)

(a) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:

- (1) fear for his or her safety or the safety of a third person; or
- (2) suffer other emotional distress.

(a-2) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:

- (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or

(2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.

(a-3) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:

- (1) follows that same person or places that same person under surveillance; and
- (2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.

(c) Definitions

For the purposes of this Section:

(1) Course of conduct means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. A course of conduct may include contact via electronic communications.

(2) Electronic communication means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.

(3) "Emotional distress" means significant mental suffering, anxiety or alarm.

(4) Family member means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, step-parent, step-brother, step-sister or step-child. "Family member" also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.

(5) Follows another person means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.

(6) Non-consensual contact means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(7) Places a person under surveillance means: (1) remaining present outside the person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (2) placing an electronic tracking device on the person or the person's property.

(8) Reasonable person means a person in the victim's situation.

(9) Transmits a threat means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

(d) Exemptions -

(1) This Section does not apply to any individual or organization

(i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements, or

(ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

(2) This Section does not apply to an exercise of the right to free speech or assembly that is otherwise lawful.

(3) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

APPENDIX A2 – CITY OF CHICAGO DEFINITIONS

Gender Identity is defined as one’s innermost concept of self as male, female, blend of both or neither – how individuals perceive themselves and what they call themselves. One’s gender identity can be the same or different from their sex assigned at birth.

Retaliation occurs when an employee makes a complaint of sexual harassment or who participates in an investigation. Retaliation includes, but is not limited to, taking disciplinary action against the employee, reassigning their duties or workspace, denying requests for leave, demotions, etc.

Sexual harassment (Section 6-010-020) means any

- (i) unwelcome sexual advances or unwelcome conduct of a sexual nature;
- (ii) requests for sexual favors or conduct of a sexual nature 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 for any employment decision affecting the individual; or
 - (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.
- (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual’s employment position. The definition of sexual harassment now explicitly includes *sexual misconduct*.

APPENDIX B – PROCESS & PROCEDURE

TERM	PROCEDURE
Actual Knowledge	<p>Complainant must give notice of sexual harassment or allegations of sexual harassment to the Title IX coordinator or any CCC official who has authority to institute corrective measures. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only CCC official with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of CCC.</p>
Appeals	<p>CCC’s grievance process for formal complaints includes the procedures and permissible bases for the complainant and respondent to appeal.</p> <p>(i) CCC offers both parties an appeal from a determination regarding responsibility, and from CCC’s dismissal of a formal complaint or any allegations therein, on the following basis:</p> <ol style="list-style-type: none"> a. Procedural irregularity that affected the outcome of the matter; b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and c. The Title IX District Coordinator, investigator(s), hearing chair had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. <p>(ii) As to all appeals, CCC will:</p> <ol style="list-style-type: none"> a. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties; b. Ensure that the hearing officer for the appeal is not the same person as the hearing chair that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX District Coordinator; c. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; d. Issue a written decision describing the result of the appeal and the rationale for the result; and e. Provide the written decision simultaneously to both parties.

Cross-examination	<p>At the hearing for a formal complaint, the hearing chair will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of CCC to otherwise restrict the extent to which advisors may participate in the proceedings. At the request of either party, CCC will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing panel, hearing chair, and parties to simultaneously see and hear the party or the witness answering questions.</p> <p>Only relevant cross-examination questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, CCC will provide without fee or charge to that party, an advisor of CCC's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.</p> <p>If a party or witness does not submit to cross-examination at the live hearing, the hearing panel and hearing chair will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing panel and hearing chair cannot draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.</p>
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<p>Determination of Responsibility</p>	<p>Following an investigation and hearing for a formal complaint of sexual harassment:</p> <ul style="list-style-type: none"> (i) The hearing chair, who cannot be the same person as the Title IX District Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, CCC will apply the preponderance of the evidence standard. (ii) The final report will include: <ul style="list-style-type: none"> a. Identification of the allegations potentially constituting sexual harassment b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; c. Conclusions regarding the application of CCC code of conduct to the facts; d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions CCC imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the recipient’s education program or activity will be provided to the complainant; and e. CCC’s procedures and permissible bases for the complainant and respondent to appeal. (iii) CCC will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that CCC provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. (iv) The Title IX District Coordinator is responsible for effective implementation of any remedies.
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<p>Dismissal of a Formal Complaint</p>	<p>The Title IX District Coordinator must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that: (1) The conduct alleged in the formal complaint does not meet the definition of sexual harassment; (2) the alleged conduct did not occur in CCC’s educational program or activities; and (3) the alleged conduct did not occur in the United States.</p> <p>The Title IX District Coordinator may choose a discretionary dismissal if, at any time during the investigation or hearing: (1) a complainant notifies the Title IX District Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the recipient; or (3) specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination.</p> <p>Upon a dismissal, CCC will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. A dismissal does not preclude action under another provision of CCC’s code of conduct.</p>
<p>Emergency Removal</p>	<p>In all cases where an emergency removal is imposed, the respondent will be given written notice of the action. In the written notice there will be the option to request to meet with the Title IX District Coordinator as soon as reasonably possible, to show just cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the underlying Title IX allegations, but rather an administrative process intended to determine solely whether the emergency removal is appropriate. The respondent has three (3) days after the receipt of the emergency removal to request a meeting with the Title IX coordinator. If the respondent does not make such a request within the three (3) daytime period, objection to the emergency removal is deemed waived.</p> <p>The respondent may be accompanied by an advisor of their choosing in the administrative meeting with the Title IX District Coordinator. The respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. There is no appeal process for emergency removal decisions.</p>
<p>Formal Complaint</p>	<p>A formal complaint is a document filed by a complainant or signed by the Title IX District Coordinator alleging sexual harassment against a respondent and requesting an investigation of the alleged sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in CCC’s education program or activity. A formal complaint may be filed with the Title IX District Coordinator in person, by mail, or by electronic mail, or by any additional method designated by CCC. Where the Title IX District Coordinator signs a formal complaint, the Title IX coordinator is not a complainant or otherwise a party.</p>

Hearings	<p>CCC will provide live hearing as part of the grievance process. At the live hearing, the hearing panel and hearing chair must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding CCC's discretion to otherwise restrict the extent to which advisors may participate in the proceedings. At the request of either party, CCC must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing office and parties to simultaneously see and hear the party or the witness answering questions.</p>
Hearings (cont.)	<p>Only relevant cross- examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.</p> <p>If a party or witness does not submit to cross-examination at the live hearing, the hearing panel and/or hearing chair must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that hearing panel and/or hearing chair cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.</p> <p>Live hearings may be conducted with all parties physically present in the same geographic location or, at CCC's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. CCC will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection/review.</p>

Investigation of a Formal Complaint	<p>CCC will:</p> <ul style="list-style-type: none"> (i) Ensure that the burden of proof and the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on CCC and not on the parties except as specifically noted; (ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; (iii) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; (iv) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, CCC may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; (v) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate; (vi) Provide both parties an equal opportunity to inspect and review any evidence.
Response to Sexual Harassment	<p>Once CCC receives actual knowledge of sexual harassment in its education programs or activities, it will respond promptly in a manner that is not deliberately indifferent. Deliberate indifference occurs only if an institution's response to sexual harassment is clearly unreasonable in light of the known circumstances. An institution's response must treat complainants and respondents equitably by offering supportive measures to a complainant and respondent, and by following the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.</p>
Nondiscrimination Notice	<p>CCC will notify persons entitled to a notification that:</p> <ol style="list-style-type: none"> 1. CCC does not discriminate on the basis of sex in the education program or activity that it operates; 2. CCC is required by Title IX not to discriminate in such a manner; 3. The requirement not to discriminate in the education program or activity extends to admission and employment; and

	<p>4. Inquiries about the application of Title IX to CCC may be referred to the Title IX District Coordinator, to the OCR Assistant Secretary, or both.</p>
<p>Recordkeeping</p>	<p>CCC will maintain for a period of seven years records of:</p> <ul style="list-style-type: none"> A. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient’s education program or activity; B. Any appeal and the result therefrom; C. Any informal resolution and the result therefrom; and D. All materials used to train Title IX coordinators, investigators, hearing officers, and any person who facilitates an informal resolution process. CCC will make these training materials publicly available on its website.
<p>Supportive Measures</p>	<p>CCC will make available non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to CCC’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or CCC’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. CCC will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of CCC to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.</p> <p>CCC’s response to sexual harassment must treat complainants and respondents equitably by offering supportive measures to a complainant and respondent, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The Title IX District Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or</p>

	<p>without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.</p> <p>CCC will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, CCC will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to CCC’s education program or activity. If CCC does not provide a complainant with supportive measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit CCC in the future from providing additional explanations or detailing additional measures taken.</p>
Timeframes	<p>The grievance process for formal complaints includes reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals. The process allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.</p>
Training	<p>CCC will ensure that Title IX coordinators, investigators, and hearing officers, receive training on the definition of sexual harassment, how to conduct an investigation, and the grievance process including hearings, appeals, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. CCC will ensure that hearing officers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant. CCC will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.</p> <p>Any materials used to train Title IX coordinators, investigators, and hearing officers, will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual and gender harassment or discrimination. CCC will make these training materials publicly available on its website.</p>

<p>Written Notice of Hearing</p>	<p>Written notice of hearing will contain the following:</p> <ul style="list-style-type: none"> ● The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. ● Any technology that will be used to facilitate the hearing. ● A list of all those who will attend the hearing, along with an invitation to object to the hearing officers on the basis of demonstrated bias. This must be raised with the Title IX coordinator at least two (2) business days prior to the hearing. ● Information on how the hearing will be recorded and on access to the recording for the parties after the hearing. ● A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the hearing officers. For compelling reasons, the hearing officers in their discretion may reschedule the hearing. ● Notification that the parties may have the assistance of an advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX coordinator if they do not have an advisor, and CCC will have one available. ● Each party must have an advisor present. There are no exceptions. ● A copy of all the materials provided to the hearing officers about the matter, unless they have been provided already. ● An invitation to contact the Title IX coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing. ● Direction that the parties may not bring mobile phones/devices into the hearing.
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Written Notice of Complaint	<p>Upon receipt of a formal complaint of sexual and gender harassment or discrimination, the EEO Office will provide the following written notice to the parties who are known:</p> <ul style="list-style-type: none">● Notice of CCC's grievance process.● Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.● A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.● Notice that the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.● Notice that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited.
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APPENDIX C - POSITION RESPONSIBILITIES

TERM	DEFINITION
Advisor	<p>An advisor is an individual who may be, but is not required to be, an attorney, selected by any party to give assistance throughout the grievance proceeding, for either the complainant or respondent in any meeting or grievance proceeding.</p> <p>Advisors must be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility at the live-hearings.</p> <p>In circumstances in which an individual does not have an advisor for a hearing, the institution will provide that party with an advisor to conduct cross-examination.</p>
Appeal Hearing Officer	<p>In the case of an appeal, an appeal hearing officer is either an individual or a group, as determined in CCC's discretion, who cannot have otherwise been involved in the case up to the point of receiving an appeal request. The appeal hearing officer must be free from conflicts of interest or bias for or against any party involved in the reported incident(s).</p> <p>Following a complete review of all submitted information for consideration in the appeal, the appeal hearing officers shall issue a written determination to the hearing officer and all parties simultaneously. Such determination shall include the result of the appeal and the rationale for the result.</p>
Title Campus IX Coordinator	<p>The Title IX Coordinator assists the Title IX District Coordinator to coordinate and oversee Title IX compliance by documenting, sharing reports of harassment and discrimination, and educating and implementing Title IX regulations and policies. The Title IX campus coordinator responds to situations that pose a safety threat and collaborates with other campus entities (Supportive Intervention Team (SIT), Information Technology (IT) and Safety and Security) to restore the safety of CCC's students, employees, and campus. Responsibilities may also include serving in the role of CCC advisor or hearing officer.</p>

Hearing Panel	<p>The hearing panel are individuals or groups, as determined by CCC, who have the authority to determine whether CCC policy was violated in accordance with the preponderance of evidence standard of proof and to determine appropriate remedies and corrective action/sanctions. The hearing panel must be appropriately trained and be free from conflicts of interest or bias for or against any party involved in the reported incident(s).</p> <p>The hearing panel will facilitate a live hearing, either in-person or via remote meeting application, including permitting the parties to ask the other part(ies) and any witnesses all relevant questions and follow-up questions, including those challenging credibility</p> <p>Cross-examination must be conducted by the party’s advisor of choice and must exclude information about the reporting party’s sexual behavior or predisposition, unless such information is offered to prove that someone other than the responding party committed the alleged conduct, or the information concerns specific incidents of the reporting party’s sexual behaviors with respect to the responding party and is offered to prove consent. The hearing chair must explain to the party’s advisor asking cross-examination questions any decision to exclude questions as not relevant. Either party may request that cross-examination take place with the parties located in separate rooms with technology enabling the hearing panel and the parties to simultaneously see and hear the party answering the questions.</p> <p>Upon the conclusion of the hearing, the hearing chair shall issue a written determination to all parties simultaneously. Such a determination may not rely upon any statement of any party or witness who does not make themselves available for cross examination during the live hearing. The written determination shall include:</p> <ul style="list-style-type: none"> (i) Identification of the section(s) of CCC’s code of conduct alleged to have been violated; (ii) A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (iii) Findings of fact supporting the determination; (iv) Conclusions regarding the application of the institution’s code of conduct to the facts; (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions CCC imposes on the responding party, and any remedies provided to the reporting part(ies) designed to restore or preserve access to CCC’s education program or activity; and (vi) CCC’s procedures and permissible bases for the reporting and responding parties to appeal.
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Investigator	<p>The investigator is responsible for conducting reliable, prompt, fair, and impartial investigations of sex-gender based discrimination and misconduct reports, including identifying and interviewing parties and witnesses; identifying, organizing and compiling relevant information; maintaining accurate and thorough investigations records and notes; and writing clear, concise, and comprehensive investigation reports.</p> <p>Investigators are required to provide written notices and updates to the parties, including any temporary delay or limited extension of the timeframes for investigations. Investigator(s) also provides notice if they determine there are additional allegations to investigate which were not included in the initial notice provided by the Title IX coordinator upon commencement of the investigation.</p> <p>Investigator(s) provide equal opportunities for the parties and equal opportunities for the parties to have others present during any proceeding. Any time a party is invited or expected to participate in a portion of the process, the party shall be provided written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, and provided sufficient time for the party to prepare to participate.</p> <p>Upon completion of an investigation, the investigator(s) shall produce an investigative report that fairly summarizes relevant information. The investigative report shall be reviewed for completeness and clarity by the Title IX coordinator prior to be shared with the parties. The investigator shall provide the parties a copy of the report for their review and response at least 10 days prior to a hearing, or other time of determination regarding responsibility.</p> <p>The final investigative report shall be forwarded to the assigned hearing chair as determined by the Title IX District Coordinator and CCC policy.</p>
Mandatory Reporter	<p>Mandatory reporter means an employee of CCC who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX coordinator. Complaints made to mandatory reporters do not constitute actual knowledge, but do put CCC on notice of possible violation of the sexual harassment or discrimination.</p>
Mandated Employee (Responsible Employee)	<p>Mandated employees are those individuals designated by an institution who have a responsibility to promptly notify the Title IX District Coordinator when they receive information that may implicate an institutional duty under Title IX and/or CCC policy.</p>

Title IX District Coordinator	<p>The Title IX District Coordinator is charged with monitoring CCC's compliance with Title IX; ensuring appropriate education and training for students and employees; coordinating CCC's investigation, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate prohibited conduct, prevent its recurrence, and remedy its effects.</p> <p>The Title IX District Coordinator is supported by Title IX campus coordinators and the EEO Office.</p> <p><u>CCC Title IX District Coordinator</u> Emily Chu, Interim Title IX Director 180 N. Wabash Avenue, Suite 200 Chicago, IL 60601 (312) 553-2865 eeofficer@ccc.edu</p>
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Revised October 17, 2023