Background Checks and Employment History Review

All Prospective Employees of UCCS are required by UCCS policy and UCCS' contract with CPS, its charter school authorizer, to complete and pass a background check before employment is finalized. Background checks must be promptly initiated and completed within 30 days of accepting the conditional offer of employment. Failure to initiate and take all requested steps to complete background checks in this time period as directed by CPS and/or UCCS are grounds for immediate revocation of a pending offer letter or termination of employment status, if already granted. No UCCS employee may start work without a completed cleared background check and completed and cleared checks of the Statewide Murderer and Violent Offender Against Youth Database and Statewide Sex Offender Database.

In addition to the fingerprint background check process, all new hires that will have direct contact with students are required to complete the Employment History Review process pursuant to Section 22-94 of the Illinois School Code (105 ILCS 5/22-94) before employment is finalized. As part of the Employment History Review process, all new hires will be sent information by HR, to complete online forms using Verifent, for disclosing all current and former employers where the applicant worked with students or children and an authorization for release of information from former employers, that will need to be completed by the new hire and returned to HR prior to hire. Failure to initiate and take all requested steps to complete the requirements of the Employee History Review as directed by CPS and/or UCCS, are grounds for immediate revocation of a pending offer letter or termination of employment status, if already granted. No UCCS new hire may start work without completing the requisite forms for the Employment History Review. Following completion of the required forms, UCCS will contact the new hire's current and former employers to request information regarding confirmed allegations of sexual misconduct involving the new hire.

To protect the safety and security of the children and school staff, all offers of employment at UCCS Corporation are **contingent upon satisfactory results of a background check indicating that the individual is not prohibited or otherwise unfit for employment at UCCS, a finding that the individual is not disqualified from employment pursuant to the results of the Employment History Review under Faith's Law, and satisfactory checks of the Statewide Murderer and Violent Offender Against Youth Database and Statewide Sex Offender Database.** Until background and database checks are complete, any persons with a contingent offer letter are referred to as "Prospective Employees." Background checks will be conducted on all Prospective Employees and may be required periodically for current employees.

Background checks will include:

- Prior Employment Verification: confirms candidate's employment with the

provided employers, including dates of employment, positions held, information pertaining to salary or hourly wages, job performance, reason for departure, and eligibility for rehire.

- Live-scan fingerprinting with CPS: consisting of a criminal history check.

- Professional Reference Checking: calls placed to individuals listed as references by the candidate.

- Educational Verification: candidates to provide copies of their official college transcripts and current certification status. Licensed staff must maintain a valid license at all times during the school year and should monitor its expiration date.

- Registered Sex Offender Check: All new hires will undergo a name-based search of the Statewide Sex Offender Database. In addition, a check of the Statewide Sex Offender Database will be conducted once for every five years the employee remains employed by UCCS.

- Murderer and Violent Offender Registry Check: All new hires will undergo a name based search of the Statewide Murderer and Violent Offender Against Youth Database.

- Employment History Review: All new hires that will have direct contact with students or children will undergo an employment history review process pursuant to Section 22-94 of the Illinois School Code.

As of November 2017, UCCS entered into a contract with CPS concerning background checks, and UCCS follows the procedures of that contract. In addition, Illinois law prohibits UCCS from employing individuals who have been convicted of certain offenses enumerated in the School Code. Where a Prospective Employee's background check reveals that they have been convicted of one or more of these enumerated offenses, then CPS provides the Prospective Employee an opportunity to dispute the findings. If the findings are found to be valid, UCCS will revoke the contingent offer of employment or terminate the employee's employment. Should UCCS discover during the employee's employment at UCCS that the employee has been convicted of an enumerated offense, UCCS will terminate that employee's employment.

CPS and UCCS also evaluate certain other non-enumerated offenses, and CPS provides information to UCCS concerning persons on the CPS "Do Not Hire" list. Where placement on the Do Not Hire List is found, the Prospective Employee is given an opportunity to dispute or provide additional information regarding the findings. Where these findings are found to be valid, UCCS may revoke a Prospective Employee's contingent offer and/or terminate an existing employee's employment.

Regarding convictions for non-enumerated offenses, UCCS will only take adverse employment action if UCCS determines that there is a "substantial relationship" between the criminal offense and the position, or UCCS determines that the granting of the employment would involve an unreasonable risk to property or to the safety or welfare to specific individuals or the general public. A "substantial relationship" exists when the position offers the opportunity for the Prospective Employee to engage in a similar offense or the circumstances leading up to the offense will occur in the job. UCCS evaluates the relevance of the criminal history of the individual being considered for hire to the position being filled on a case-by-case basis. In addition to relevance of the offense to the particular job, UCCS will consider the length of time since the conviction, the number of convictions, the nature and severity of the conviction and its relationship to the safety and security of others, the facts and circumstances surrounding the conviction, the age of the Prospective Employee at the time of the conviction, and evidence of rehabilitation efforts.

If the UCCS intends to take an adverse employment action because of information in the background check report received from the CPS, UCCS will provide the applicant with a pre-adverse action letter or notice that an adverse action may be taken based at least in part on information provided in the background check report, a copy of the information on which the adverse action will be based, and other information as required by law. UCCS will provide the applicant with at least five business days to respond, and when applicable, will consider the applicant's evidence before making a final decision.

UCCS also reviews other information contained in the applicant's online application, resume, and other submitted materials. Should adverse information be discovered in these reviews, including misrepresentations regarding educational and employment credentials, UCCS may revoke the contingent offer of employment or terminate the employee's employment.

Failure to timely complete the Background Check or to provide additional requested documentation during the Background Check process, either to CPS or to UCCS, may result in withdrawal of an offer letter or termination of employment.

The Background Check process described herein also applies to contractors and people employed by other entities who have direct, daily contact with UCCS students.

The application of the Background Check process to Volunteers who work in UCCS Schools is covered by the UCCS Volunteer Policy.

Child Abuse and Neglect Mandated Reporter Status

All employees of UCCS are mandated reporters of child abuse and neglect. Any employee who has reasonable cause to believe that a student may be an abused or neglected child, as defined by the Abused and Neglected Child Reporting Act ("ANCRA") must: (1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline 800/25-ABUSE or 217-524-2606. This Hotline is open 24 hours per day and 365 days a year, and (2) Confirm in writing via the U.S. Mail, postage prepaid, within 48 hours of the initial report. This report should be mailed to the nearest office of the Illinois Department of Children and Family Services, Attention: Child Protective Services. A copy of the form to be mailed to DCFS can be found at: https://dcfs.illinois.gov/content/dam/soi/en/web/dcfs/documents/about-us/policy-rules-and-forms/documents/cants/cants-5.pdf. The employee must also promptly inform the Campus Director or, if that is not workable in the particular circumstances, the CEO that a report has been made. The Campus Director or CEO shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) and/or local law enforcement.

NOTE: some staff employees and volunteers also may be mandated reporters by virtue of being in another category of mandated reporters, e.g., schoolteacher, counselor, athletics personnel. In addition, the UCCS encourages any person who is not a mandated reporter to report abuse to DCFS if they have reasonable suspicion that a child has been abused or neglected. Finally, in addition to reporting to DCFS, all UCCS employees are expected to refer students to the Director if students exhibit signs of abuse, neglect or of being in danger of hurting themselves or others, and to advise the Director that a report has been made to DCFS.

Any employee who discovers child pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's Cyber Tipline 1-800-THE-LOST (1-800-843-5678) or online at report.cybertip.org/or https://www.missingkids.org/gethelpnow/cybertipline. The Campus Director or Chief Executive Officer shall also be promptly notified of the discovery and that a report has been made.

The Director will notify the State Superintendent of Education of any license holder that the Director has reasonable cause to believe has committed an intentional act of abuse or neglect, and that act resulted in the license holder's dismissal or resignation from UCCS.

Any employee who observes any act of hazing that does bodily harm to a student must report that act to the Campus Director, CEO, or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the employee must first make the report to law enforcement and then to the Campus Director or CEO. Hazing is defined as any intentional,

knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students.

Definitions

ANCRA defines many terms, including "child," "alleged perpetrator," "physical abuse," "sexual abuse," "neglect", and other important elements of the Act. The Department of Child and Family Services also provides definitions for enforcing ANCRA. A few key definitions from ANCRA and DCFS are included here:

Child means "any person under the age of 18 years," unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

Alleged perpetrator means the person alleged to have committed the abuse or neglect and must be one of the following: a parent, step-parent, paramour of the natural parent, guardian, foster parent, immediate family member (siblings and grandparents), any person living in the home of the child, a person who came to know the child through an official capacity or a position of trust (such as a teacher, health care professional, or volunteer in a youth program), or as a person who is responsible for the welfare of the child (such as a babysitter, day care facility, or residential facility).

Abused Child as defined by ANCRA is a child whose parent, immediate family member, any individual residing in the same home as the child, a paramour of the child's parent, or a person responsible for the child's welfare:

- "inflicts, causes to be inflicted, or allows to be inflicted upon such child, physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function." Common injuries can include bruises, human bites, bone fractures, and burns.

- "creates a substantial risk of physical injury to such child by other than accidental means, which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function." Examples provided by DCFS definitions include: choking or smothering a child, shaking or throwing a small child, and violently pushing or shoving a child into hot or dangerous objects.

- "commits or allows to be committed the offense of female genital mutilation."

- "commits or allows to be committed, an act or acts of torture upon such child." DCFS defines torture as "deliberately and/or systematically inflicting cruel or unusual treatment which results in physical or mental suffering."

- "causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance" i.e., illegal drugs, except when prescribed by a physician.

- "inflicts excessive corporal punishment." DCFS does not define this provision of ANCRA further. Cases where bruises are inflicted on a child, especially a young child, have been considered to meet this definition, according to the 2015 Manual for Mandated Reporters published by the Children's Justice Task Force.

- "commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 2012, against the child".

- "causes to be sold, transferred, distributed, or given to the child a controlled substance" in violation of the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act".

- "commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking".

- "commits the offense of grooming, as defined in Section 11-25 of the Criminal Code of 2012, against the child."

Sexual Abuse occurs when a person responsible for the child's welfare commits any of the following acts:

- Sexual penetration, including any contact between the sex organ of one person and the sex organ, mouth, or anus of another person. Typical acts include vaginal, oral, and anal sex.

- Transmission of sexual disease occurring through sexual penetration as defined above or other conduct.

- Sexual molestation, defined by DCFS as: "sexual conduct with a child when such contact, touching, or interaction is used for arousal or gratification of sexual needs or desires." Examples include fondling a child or having the child touch the perpetrator sexually.

- Sexual exploitation, defined by DCFS as: "sexual use of a child for sexual arousal, gratification or advantage, or profit." Examples include explicit verbal enticements, child pornography, and forcing a child to watch sex acts.

Neglect occurs when a person responsible for the child deprives or fails to provide the child with adequate food, clothing, shelter or needed medical treatment. Neglect can also occur when an adult provides inadequate supervision of a child, including leaving a child with someone inadequate to provide supervision. ANCRA also includes the following when defining a neglected child: "a child who is subjected to an environment which is injurious insofar as (i) the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare and (ii) the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities."

Human Trafficking is another classification of child abuse that is reportable to DCFS: No longer seen only in Eastern Europe or Asia, but now here in Illinois, allegation #40/90 Human Trafficking of Children has been added to ANCRA and it is defined as follows: "Federal law defines severe forms of trafficking of persons as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery." [U.S.C.§ 7102(8)]

What must be Reported

Reportable child abuse or neglect includes situations such as the following:

- The alleged victim is a child under the age of 18.
- The alleged perpetrator is a parent, guardian, foster parent, relative caregiver, paramour, any individual residing in the same home, any person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust (for example: health care professionals, educational personnel, recreational supervisors, members of the clergy, volunteers or support personnel) in settings where children may be subject to abuse and neglect.
- There is a specific incident of abuse or neglect or a specific set of circumstances involving suspected abuse or neglect.
- There is demonstrated harm to the child or a substantial risk of physical or sexual injury to the child.

Reasonable Cause to Report

An employee must make a report if they have reasonable cause to believe that a child is a victim of

child abuse or neglect. 'Reasonable cause to believe means' that the concerned person, acting as a reasonable man or woman, believes that the described facts exist.

Penalties for Failure to Report

Failure to make a report not only violates this policy but is also a crime. Failure to report suspected child abuse or neglect is a Class A misdemeanor. Reporting to a co-worker, supervisor, and other management employee, the Title IX Coordinator – but not DCFS – is insufficient. The only means of fulfilling one's legal obligation and avoiding legal penalty is to personally report the suspected child abuse or neglect to DCFS. Further, if an employee is subject to licensing, the employee may be subject to license suspension or revocation if one willfully fails to report suspected child abuse or neglect.

Immunity and Confidentiality

A person who makes or causes to be made a report of suspected child abuse or neglect is immune from any civil or criminal liability. Any person who has made a report in bad faith or who has acted maliciously in making a report is not immune. However, a person making a report is presumed to have acted in good faith. If the parent, guardian, or other individual responsible for the child requests a report and is also named in the report as having abused or neglected the child, the identity of the persons making the report will be deleted from the copy provided.

Requests for Information

Upon a request from another educational institution for a reference concerning an applicant who is, or was, a UCCS employee that was the subject of a report made by a UCCS employee to DCFS, the CEO shall disclose information regarding the report, if the report is found to be "indicated."

Duties of the Board of Directors

Each individual member of the Board of Directors must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in the Act, direct or cause the Board to direct the CEO to comply with the Act's requirements concerning the reporting of child abuse.

Training

All UCCS employees must complete mandated reporter training as required by law within one year of initial employment and annually thereafter.

Resource Materials

All UCCS staff employees and volunteers are strongly encouraged to review educational materials provided by IDCFS regarding mandated reporter obligations (http://www.state.il.us/dcfs/child/index.shtml#reporters), including the on-line training module "Recognizing and Reporting Child Abuse: Training for Mandated Reporters" the IDCFS Manual for Mandated Reporters.

Safety for Students

All UCCS employees share the responsibility of ensuring the safety of all persons within UCCS campuses. In general, students at UCCS are to be supervised by UCCS employees at all times. Staff must keep doors open when they are alone with students, unless in the circumstances described in the Conduct Towards Staff, Students and Alumni policy.

Whenever you note something that appears to be a hazard, please immediately inform your supervisor, Campus Director, Operations Manager, or designated authority of the problem so that a remedy can promptly be found. If you need further information about safety or emergency procedures, please contact your supervisor, Campus Director, or Operations Manager.

Guidelines for Student Safety

a) UCCS must comply with state statutes regarding toxic art supplies and laboratory chemicals, the administering of medications to students, and reporting of abuse and neglected children.

b) Under the Illinois Abused and Neglected Child Reporting, (see Section 5), all charter school employees are required to acknowledge their Mandated Reporter status by reading and knowing the requirements of ANCRA and signing the appropriate form at the back of this Handbook. All new hires must sign the Mandated Reporter form as condition of employment.

c) All employees are required to immediately report to IDCFS whenever there is a reasonable cause to believe a child has been abused or neglected.

d) All faculty and staff are required to review and understand UCCS' emergency evacuation procedures. Each campus must maintain a current copy of these emergency procedures.

e) All faculty and staff are required to review, understand, and implement the UCCS Internet Safety policy.

f) The UCCS campuses do not, under any circumstances, purchase "toxic substances"

including art supplies or materials or laboratory **chemicals**. Under Illinois law, a "toxic substance" means a human carcinogen, a potential human carcinogen, and any substance having a potential or causing a chronic adverse health effect as determined pursuant to ASTM Standard D 4236 of the American Society for Testing and Materials or latest revision.

g) Any such items found on school property should be properly disposed of according to manufacturer specifications immediately.

h) At UCCS, the administration of medicine is governed by UCCS Policies on the Administration of Medicine, adopted by the Board in 2018. The full policy is available on request from the HR Department. Key points of the policy are that **medications** to students may only be administered to students by certified school nurses and non-certificated registered professional nurses during regular school hours and during school-related activities. Staff with questions regarding medications should direct them to the school nurse or the Operations Manager.

i) No staff member may **transport** students in a personal vehicle. However, when the use of a private vehicle is the only feasible method of travel for school sponsored events, such vehicles may be used only if the total number of passengers per vehicle (including the driver) is 10 or fewer and the following requirements are met:

- Coaches requesting to transport students in a private vehicle, to and from school sponsored events, must receive prior written approval from the CEO and HR. If approved, HR will notify the Director so that the parents or legal guardians of the students being transported can be informed and provide their approval. No employee may transport any student without written consent from the Director and parent/legal guardian of the student.

- HR shall ensure that the driver is at least 25 years old, holds a valid driver's license and liability insurance of $300,000 for a vehicle manufactured to transport up to six passengers or $500,000 for a vehicle manufactured to transport more than six passengers.

- The HR department must retain a photocopy of the driver's license and insurance documentation.

- The private vehicle must be a motor vehicle designed to carry no more than 10 passengers (including the driver), with functioning seatbelts for each person.

- No more passengers (including the driver) may be transported in the private vehicle than the vehicle was designed to carry.

Additionally, documentation regarding the approval must be provided in advance prior to the transport taking place.

UCCS' van use is governed by a Van Usage Policy adopted by the Board in 2018, and available in full upon request to the Director of Family and Community Engagement. Key summary points include:

- The Director of Family and Community Engagement and the HR Department must review and approve any employees who seek to become authorized drivers of the UCCS van.
- Before being permitted to drive the UCCS Van, a UCCS staff member must submit to and pass a Motor Vehicle Record check. ("MVR").
- The HR department must retain a photocopy of the driver's license and any documentation that is submitted for the Motor Vehicle Record background check process.

Code of Conduct

All employees at UCCS are required to present themselves as professionals in the educational setting at all times. UCCS employees must conduct themselves with honesty and integrity and exercise sound judgment when engaging in activities and performing responsibilities on behalf of UCCS. UChicago Charter values diversity and champions the fundamental principle of treating others with respect. UCCS is committed to providing a safe work environment in which discrimination, harassment, and acts or threats of violence are not tolerated. UCCS expects its employees to treat each other and those with whom they have business dealings on behalf of UCCS with civility.

School personnel must adhere to generally recognized professional conduct standards, including but not limited to the following:

1. Demonstrate appropriate and professional preparedness, punctuality, attendance, language, communications, and appearance.

2. Maintain professional, appropriate relationships and boundaries with all students, whether during or outside of school.

3. Refrain from being impaired and/or under the influence of alcohol, illegal or prohibited drugs, and/or prohibited substances to maintain a safe and healthy environment and quality instruction and/or performance for the school and its students.

4. Maintain an environment free from harassment, intimidation, bullying, hazing, discrimination, and violence.

5. Maintain integrity with members of the school community concerning donations, fundraising, business dealings, gifts, and favors.

6. Respect and maintain the confidentiality of student and personnel records, test materials, and other information covered by confidentiality agreements, or protected by applicable State and Federal privacy laws.

7. Demonstrate conduct that is aligned with the *Code of Ethics for Illinois Educators*, incorporated by reference into this policy, and conduct that follows generally recognized professional standards.

8. Comply with all applicable State and federal laws and school policies.

Conduct Towards Staff, Students, and Alumni

Employees are to address all members of the school community with appropriate language and tone. All staff must refrain from cursing, speaking in a derogatory tone or volume, or making inappropriate or offensive comments. Employees are always expected to communicate respectfully with parents and community members.

While parents are welcome on UCCS campuses, any applicable health and safety protocols must also be observed. All parent and visitor meetings with staff should be scheduled and approved in advance by staff working with the Director or Director's delegate. Outside of scheduled visits and appointments, UCCS staff should ask parents to wait in the main entrance lobby when dropping off items or waiting to see a student.

Employees must comply with all UCCS policies and are expected to pay particular attention to policies pertaining to the safety of students. School employees must at all times, whether during or outside of school, maintain appropriate and professional employee-student boundaries and relationships. Relationships between students and school employees are **inherently unbalanced**, as school employees are uniquely positioned as individuals who care for and have authority and influence in relation to students. School employees may violate appropriate employee-student boundaries when they misuse their position of power over a student in a way that compromises the student's physical or mental health, safety, or general welfare. Employees must recognize potential negative consequences for students and/or employees engaging in certain behaviors with students or allowing inappropriate conduct to continue. For additional information on student safety, please see Section 17.2 for the UCCS policy on Behavioral Interventions for Students.

When teachers, tutors, or counselors are alone with students, the door must remain open. However, social workers and certain designated staff who work with students requiring specialized services are allowed to be in a closed room with a student. Supervisors must ensure that correct protocols are followed concerning these meetings. For example, even in these cases, the room must have an unobstructed glass window.

In general, students are to be supervised at all times by UCCS staff. Students may not be left unattended in a room or campus space. See also Section 17.

All UCCS employees are expected to engage in professional communications with all past and present members of the school community and maintain appropriate boundaries while engaging with students and other members of the school community in activities and performing responsibilities on behalf of UCCS. Boundaries can be physical, behavioral, emotional, and even locational (or situational), and a healthy sense of boundaries is what allows youth to trust others and remain safe. Any unprofessional conduct or behavioral misconduct by UCCS employees, which can include inappropriate fraternization, grooming, dating or social interactions with a student or an alumnus, including in person, physical, verbal or any form of electronic communication, is grounds for corrective action, up to and including immediate termination. Fraternization and/or dating is prohibited with any alum who has graduated from UCCS High School less than five years ago.

This Handbook cannot capture all behavior constituting misconduct or abuse and is intended instead to prevent a range of behaviors including not only unlawful or improper interactions with students or alumni but also grooming and other behaviors and conduct which blur the appropriate boundary between employee and student.

The following are additional guidelines to maintain a safe and positive experience for children, to encourage parental confidence, and avoid mistaken allegations:

DO:

- show an unwavering commitment to ensuring that the welfare of our students is a paramount and shared responsibility;
- create an open, welcoming educational environment;
- work and engage with minors in an open and transparent manner;
- support students' personal and educational development, make them feel valued, and provide them with safe and caring connections to the program;
- maintain the highest standard of personal behavior at all times when interacting with students;

- structure program activities to limit being alone with a child; try to have another adult present when you are working with students in an unsupervised setting.

- whenever possible meet in open, well illuminated spaces or rooms with the door open or with a window observable by other adults;

- meet with students off-campus only with parent/guardian knowledge or permission;

- limit communication to what is necessary for educational and/or extracurricular activities;

- only transport students in school or private vehicles with express administrative authorization;

- be aware of how your actions and intentions might be perceived and could be misinterpreted;

- consult with other adult supervisors or colleagues when you feel uncertain about a situation;

- abide by all guidelines stated within the student handbook or faculty handbook;

- only use school-approved methods for communicating with students, such as using a uchicagocharter.org email address when acting on behalf of the UChicago Charter during email exchanges with a student; and

- abide by relevant and applicable student records laws and school policies with respect to student records.

DO NOT:

- promise students you can keep "secrets";

- relate to students as if they are peers, conduct private correspondence, or take on the role of a "confidant." Do not ask a minor to keep a secret.

- engage in abusive conduct of any kind toward, or in the presence of, any student;

- administer force upon a student with or without an implement or tool for the purpose of discipline (i.e., corporal punishment);

- touch a student or have physical contact in an inappropriate or illegal manner, including engaging in any form of physical (e.g., striking, hitting, shaking), verbal or emotional abuse of a student or engaging in sexually inappropriate conduct of any kind towards or in the presence of a student (e.g., sexual abuse of a student, touching inappropriately or illegally, using inappropriate language, or making sexually suggestive comments around children).

- date or become romantically or sexually involved with a student or an alum, in violation of this policy;

- engage in the use or possession of alcohol, tobacco, or illegal drugs in the presence or vicinity of students;

- possess, produce, access, or make available to a student any sexually explicit images, material, or media. Do not show pornography to a student or involve students in pornographic activities.

- take, possess, and/or use photos and/or videos of students for non-educational purposes, without eligible student or parent/guardian consent, or without school administration authorization.

- use inappropriate language, tell risqué jokes, or make sexually suggestive comments around students, even if the children themselves do so;

- be alone with a student anywhere in a car, van, truck or other vehicle, whether driving or parked;

- allow a student to drive your car or another staff member's car or vehicle, or sit in your or another's vehicle when parked;

- meet with a student off-campus without the parent/guardian's knowledge and/or permission;

- participate in or requesting participation in a meeting with a student outside the employee's professional role;

- invite students to an employee's home;

- request or require students to share their personal cellphone or email addresses;

- single out any one student and provide that student with gift(s) or accept expensive or numerous gifts from any one student; or

- engage in or communicate with students through text messages, social networking websites, internet chat rooms, or other forms of social media unless such communication is for an authorized business purpose of UChicago Charter. Check with your Campus Director if you have a question about a business purpose. UCCS understands that some employees may have pre-existing relationships with students or families unrelated to the school environment. The expectations set forth above are not intended to prohibit or limit appropriate interactions with such students or families, provided that the employee is aware of and maintains appropriate employee-student boundaries during all interactions.

Training

School personnel are expected to attend all required trainings on educator ethics and child abuse.

Violations of the Code of Conduct

Violations of the employee code of conduct policy or failure to report a violation of the employee code of professional conduct policy may subject an employee to disciplinary action, up to and including dismissal. Violations of the employee code of conduct policy may include, but are not limited to, the following:

1. Failing to comply with or adhere to any of the expectations set forth in this policy.

2. Falsifying, misrepresenting, omitting, or erroneously reporting professional qualifications or information submitted during the application and/or hiring process.

3. Falsifying, misrepresenting, omitting, or erroneously reporting information during the course of an investigation.

4. Committing an act of child abuse, neglect, or cruelty to children.

5. Willfully or negligently failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act (325 ILCS 5/).

6. Engaging in harassing behavior, including sexual harassment.

7. Willfully or negligently failing to report sexual harassment as required by Title

IX of the Education Amendments of 1972 (20 U.S.C. §1681 *et seq*.).

8. Engaging in *grooming* as defined in 720 ILCS 5/11-25.

9. Engaging in grooming behaviors, including but not limited to *sexual misconduct*, which is defined as (i) any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, (ii) by an employee or agent of the school with direct contact with a student, (iii) that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include, but are not limited to:

    - a sexual or romantic invitation;
    - dating or soliciting a date;
    - engaging in sexualized or romantic dialog;
    - making sexually suggestive comments that are directed toward or with a student;
    - self-disclosure or physical exposure of a sexual, romantic, or erotic nature; and
    - a sexual, indecent, romantic, or erotic contact with the student.

10. Furnishing tobacco, alcohol, cannabis, or any other illegal or unauthorized substance, including e-cigarettes, to any student or allowing a student under his or her supervision to use tobacco, alcohol, cannabis, or any other illegal or unauthorized substance.

11. Engaging in any of the prohibited activities listed in the school's drug- and alcohol-free workplace policy.

12. Carrying a firearm on or into any school-controlled building, real property, or parking area, or any school transportation vehicle, unless specifically permitted by law.

13. Failing to appropriately respond to a witnessed or reported incident of student-on-student bullying, harassment, hazing, or teen dating violence.

14. Misusing school-related funds.

15. Failing to account for funds collected from students or parents/guardians.

16. Submitting fraudulent requests for reimbursement of expenses or for pay.

17. Comingling school funds with personal funds or accounts.

18. Using school property without appropriate authorization.

19. Soliciting students or parents/guardians to purchase supplies or services from the employee or to participate in activities that financially benefit the employee without fully disclosing the interest.

20. Disclosing confidential information concerning student records, health and medical information, family status and/or income, or assessment/testing results, unless disclosure is required or permitted by law.

21. Disclosing confidential information restricted by State or federal law.

22. Any other violation of State or federal law or school policy, administrative directives, or generally recognized professional conduct standards.

This list of employee conduct standards is not exhaustive; therefore, an employee may be disciplined for conduct that is not specifically listed above.

Equal Employment Opportunity and Non-Discrimination

This policy includes UCCS' commitment to maintain a workplace free from sexual or other unlawful harassment or discrimination of any nature. UCCS recruits, hires, compensates, promotes, and otherwise manages employees and prospective employees on the basis of individual merit. UCCS does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender-related identity, national or ethnic origin, age, disability, marital status, pregnancy, genetic information, veteran or military status, including unfavorable discharge, citizenship status, credit history, arrest records that have been expunged, sealed or impounded, or any and all other factors protected by law (including Title IX of the Education Amendments of 1972).

Title IX provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." Sex discrimination is prohibited in all UCCS educational programs and activities. This includes: disparities in athletic opportunities; gender discrimination in admissions and educational programming; sexual harassment and sexual misconduct in schools and discrimination and bullying based on sex, gender identity or sexual orientation, including LGBTQIA. Sexual harassment is a form of sex discrimination prohibited by Title IX and is discussed in detail in Sections 5.4 and 5.5.

Reporting

The Campus Director is the official responsible for coordinating adherence to this policy and to related federal, state, and local laws and regulations. If you believe that you have been discriminated against, harassed, retaliated against, or have knowledge of such conduct, you should contact your supervisor, the HR Director, the Title IX Coordinator, or the Campus Director. Employees and applicants can raise concerns and make reports without fear of reprisal, intimidation, threats, or coercion. Your complaint will be investigated on a timely basis and with as much confidentiality as feasible.

Any potential violations regarding Title IX should be reported to UCCS' Title IX Coordinator:

LaTonya Hill
Director of Family and Community Engagement & Title IX Coordinator
(773) 834 - 0096
latonyahill@uchicagocharter.org

Reports or complaints of violations of this policy will be investigated using either the employee complaint policy (see Section 12) or the General Grievance Process (see Section 5.6), as applicable. UCCS is committed to keeping you informed about the status of your complaint and taking effective remedial action if warranted by the circumstances. Please refer to the employee complaint policy (see Section 12), the General Grievance Process (see Section 5.6) and the Title IX Sexual Harassment Grievance Process (see Section 5.7) for further details. If an investigation leads to a determination that this policy was violated, corrective action up to and including termination of employment will be taken.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Educational programs and activities that receive Department of Education funds must operate in a nondiscriminatory manner.

Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; financial assistance; athletics; sex-based harassment; treatment of pregnant and parenting students; discipline; single-sex education; and employment. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or who made charges, testified, or participated in any complaint action under Title IX. For a recipient to retaliate in any way is considered a violation of Title IX. The Department of Education's Title IX regulations (Volume 34, Code of Federal Regulations, Part 106) provide additional information about the forms of discrimination prohibited by Title IX.

For assistance related to Title IX or other civil rights laws, please contact OCR at OCRMail@hhs.gov, 800-368-1019, or TDD 800-537-7697.

Reasonable Accommodation

UCCS is committed to providing equal employment opportunities to qualified applicants and existing staff with disabilities. If you have a disability and identify yourself as an individual with a disability, UCCS invites you to initiate the inter-active accommodation process, which may include submitting medical documentation and suggesting reasonable ways in which the work environment at the charter school campus can better accommodate your needs so that you can perform the essential functions of your job, or the application process can be modified to enable you to apply and be considered for employment. Your submission of this information will be kept confidential, except where necessary for job performance purposes such as determining reasonable accommodations, restrictions in activities, or assessing safety. If you have any questions or concerns, please direct these to your supervisor, Campus Director, and/or the HR Department.

Non-Retaliation

UCCS and relevant laws prohibit retaliation against anyone who exercises any rights or responsibilities under this policy, including anyone who raises concern about harassment or discrimination as well as respondents and witnesses who participate in the resolution process.

Unlawful Harassment

UCCS is committed to maintaining a workplace and educational environment free from all forms of unlawful discrimination and harassment based on one of the actual or perceived protected classes listed above in Section 5.3, and will take all necessary actions to prevent and address allegations of unlawful discrimination and harassment in order to ensure a professional and non-discriminatory work environment. UCCS strongly urges the prompt reporting of complaints and concerns so that timely and constructive action can be taken. For all reports or complaints alleging "Title IX Sexual Harassment" as defined in Section 5.5, the Title IX Sexual Harassment Grievance Process (see Section 5.7) will be used to process the report or complaint. Processing a report or complaint under the Title IX Sexual Harassment Grievance Process does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by Title IX and other laws.

For all other reports or complaints of unlawful harassment and sexual misconduct, the General Grievance Process (see Section 5.6) will be used.

Policy Basis and Application

This policy applies to misconduct that occurs (1) in the classroom, elsewhere on school premises, on

a school bus or school-related vehicle and at school-sponsored activities or events, whether or not they are held on school premises, or (2) when the conduct is so severe or pervasive that it has the purpose or effect of creating an intimidating, hostile or offensive work environment, or unreasonably interfering with an individual's work or educational performance.

Unlawful Harassment

While it may not always be easy to define precisely what harassment is, it may include, but is not limited to, epithets or slurs, threats, derogatory comments, unwelcome jokes, gestures or pranks; placing written or graphic material of derogatory nature on walls, bulletin boards or elsewhere on UCCS' premises, or circulating such material in the workplace; unwanted blocking of movement, or otherwise engaging in any verbal, physical, or conduct using technology that is so severe or pervasive that it has the purpose or effect of creating an intimidating, hostile or offensive work environment, or unreasonably interfering with an individual's work or educational performance. Such conduct can be verbal, physical, electronic, or "on-line", and can include conduct which occurs outside the workplace including at school-sponsored events and otherwise, where the conduct has the purpose or effect, intended or otherwise, outlined above.

A person's subjective belief that behavior is offensive, intimidating, or hostile does not automatically make that behavior unlawful harassment. The behavior must be deemed objectively unreasonable. Unlawful harassment includes opposite and same sex harassment, and includes peer harassment as well as harassment by supervisory personnel. Harassment by a teacher or staff member of a student over whom the individual has authority, or by a supervisor of a subordinate, is particularly serious.

Sexual Misconduct and Definitions

Sexual misconduct encompasses a range of conduct, from sexual assault (a criminal act that the U.S. Department of Education defines as sexual harassment) to conduct such as unwanted touching or persistent unwelcome comments, e-mails, or pictures of an insulting or degrading sexual nature, which may constitute unlawful harassment, depending upon the specific circumstances and context in which the conduct occurs.

- Sexual violence is a particular type of prohibited sexual misconduct that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including due to the victim's use of drugs or alcohol.

- Sexual assault is prohibited sexual misconduct that includes, but is not necessarily limited to, fondling, incest, rape and statutory rape, sexual assault with an object, sodomy, inappropriate touching, and/or attempts at any of the foregoing conduct.

- Dating violence means violence 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 a social relationship of a romantic or intimate nature will be determined based on a consideration of (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the individuals involved in the relationship.

- Domestic violence means harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation by a person who is or was a family or household member of the victim. A family or household member includes: a spouse, former spouse, parent, child, stepchild, or other person related by blood or by present or prior marriage; a person who shares or formerly shared a common dwelling; a person who has or allegedly has a child in common or shares a blood relationship through a child; a person who has a dating or engagement relationship; a personal assistant to a person with a disability; and a caregiver.

- Stalking means a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to fear for their safety or the safety of a third person, or to suffer substantial emotional distress. Stalking behavior may include but is not limited to: following a person; appearing at a person's home, work, or school; making unwanted phone calls; sending unwanted emails or text messages; leaving objects for a person; vandalizing a person's property; injuring a person's pet; and monitoring or placing a person under surveillance.

Understanding Sexual Harassment

Some specific examples of conduct that may constitute sexual harassment if unwelcome include but are not limited to:

- unwanted sexual advances;

- explicitly or implicitly offering preferential treatment with regard to an individual's employment or educational status in exchange for sexual favors or sexual activity ("Quid Pro Quo");

- making or threatening reprisals after a negative response to sexual advances;

- deliberate, repeated, or unsolicited leering, sexual gesturing, or teasing;

- displaying of sexually suggestive objects or pictures, cartoons, or posters;
- verbal or written conduct, on-line, electronically, by phone or in person, that includes making or using derogatory comments, epithets, slurs, or jokes of a sexual nature;
- graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, emails, other electronic means, or invitations; and
- physical conduct that includes touching, assaulting, or impeding or blocking movements.

UCCS provides several avenues for reporting complaints of unlawful harassment and discrimination. Retaliation for reporting complaints or cooperating in an investigation is strictly prohibited. You may discuss your concerns with the HR Department, the Title IX Coordinator, or the Campus Director. All reports of conduct that is inconsistent with this policy will be promptly and thoroughly investigated, including anonymous complaints.

Every effort will be made to treat complaints confidentially, with the goal of arriving at a fair resolution, as set forth in more detail in Sections 5.6, 5.7, and 12. If an investigation leads to a determination that this policy was violated, corrective action up to and including termination of employment will be taken.

Title IX Sexual Harassment

Policy Basis and Application

This policy expresses UCCS's commitment to an environment free from sexual harassment and conforms to legal requirements under Title IX of the Education Amendments of 1972, a civil rights law that prohibits sex discrimination by recipients of federal financial assistance, like UCCS, and the U.S. Department of Education's implementing regulations for Title IX.

All employees and students participating in or attempting to participate in UCCS' education programs and activities are subject to this policy. This policy only applies to Title IX Sexual Harassment, as defined below, that takes place in an educational program or activity of the University of Chicago Charter School against a person in the United States. An educational program or activity includes (1) locations, events, or circumstances over which UCCS exercised substantial control over both the Title IX Respondent and the context in which Title IX Sexual Harassment occurs, (2) any

building owned or controlled by UCCS, including its Woodlawn, North Kenwood/Oakland, and Donoghue Campuses.

This policy applies to all UCCS's education programs or activities in the United States, regardless of whether such programs or activities occur on-campus or off-campus. Study-abroad programs and off-campus locations that are not within the UCCS's education program or activity are not covered by the Title IX regulations or by this policy.

Title IX Sexual Harassment

In compliance with Title IX and for purposes of this policy, sexual harassment is conduct, on the basis of sex, that satisfies one or more of the following:

1.A. UCCS employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (**Quid Pro Quo Harassment")** or

1.B. 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 UCCS' education program or activity ("**Title IX Hostile Environment**", see further information in this Section below); or

1.C. Sexual assault, which as defined under the Title IX regulations, means any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling, directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.[1]

a. Rape (Except Statutory Rape) – The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis). Attempted rape is included.

b. Sodomy – Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

c. Sexual Assault with an Object – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another

person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

d. Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

e. Incest – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.

f. Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent. In Illinois, the age of consent is 17 years old. However, if the offender is in a position of trust, authority, or supervision over the victim, the age of consent is 18.

1.D. Dating violence means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

1.E. Domestic violence includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim under the domestic or family violence laws of Illinois.

1.F. Stalking means engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to: (1) fear for his/her safety or the safety of others, or (2) suffer substantial emotional distress.

2. Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the State or federal Constitution, State or federal statute, this Policy, the Title IX Sexual Harassment Resolution Procedures, 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 Policy.

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[1] UCCS's definition of "Sexual Assault" that is contained in this Policy is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require UCCS to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

Understanding Title IX Hostile Environment Sexual Harassment

In determining whether a hostile environment exists, UCCS will consider the totality of circumstances, including, but not limited to, factors such as the actual impact the conduct has had on the Title IX Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected.

UCCS will evaluate the totality of circumstances from the perspective of a reasonable person in the Title IX Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment. UCCS encourages members of the UCCS community to report any and all instances of sexual harassment, even if they are unsure whether the conduct rises to the level of a Policy violation. Some specific examples of conduct that may constitute Title IX Sexual Harassment if unwelcome include, but are not limited to:

- unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact;
- unwelcome kissing, hugging, or massaging;
- sexual innuendos, jokes, or humor;
- displaying sexual graffiti, pictures, videos, or posters;
- using sexually explicit profanity;
- asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- e-mail, internet, or other electronic use that violates this Policy;
- leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
- sending sexually explicit emails, text messages, or social media posts;
- commenting on a person's dress in a sexual manner;

- giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; and

- insulting, demeaning, or degrading another person based on gender or gender stereotypes.

Related Definitions

The following definitions are used within this Policy and related Grievance Procedures. To aid searches, definitions are provided in alphabetical order:

"**Actual Knowledge**" – Notice of Title IX Sexual Harassment or allegations of Title IX Sexual Harassment to UCCS's Title IX Coordinator or to any Official with Authority, as defined herein. Assumption of knowledge based solely on UCCS's status as an employer or other presumption under law does not constitute Actual Knowledge. This standard is not met when the only official of UCCS with Actual Knowledge is the Title IX Respondent. "Notice" as used here includes, but is not limited to, a report or complaint of Title IX Sexual Harassment to the Title IX Coordinator or any Official with Authority in person, by mail, by telephone, or by email using the contact information listed for the Title IX Coordinator in Section 5.5, or by any other means that results in the Title IX Coordinator or UCCS employee receiving the person's verbal or written report.

"**Business Days**" – Days on which UCCS Central Campus main office is open.

"**Consent**" – 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.

"**Education Program or Activity**" – Locations, events, or circumstances in the United States over which UCCS exercises substantial control over both the Title IX Respondent and the context in which Title IX Sexual Harassment occurs, and also any building owned or controlled by a student organization that is officially recognized by UCCS. Depending on the facts, this phrase may extend to off-campus Title IX Sexual Harassment incidents occurring in the United States.

"**Officials with Authority**" **–** Includes the Title IX Coordinator and any employee of UCCS.

"**Title IX Appellate Decisionmaker**" – One or more individuals designated to conduct an appeal required by Title IX and this Title IX Sexual Harassment Grievance Process. The Title IX Appellate Decisionmaker cannot be the Title IX Coordinator or the Title IX Investigator or Title IX Decisionmaker assigned to the same Formal Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Title IX Complainant

or Respondent, and must be trained to properly implement this Title IX Sexual Harassment Grievance Process and to serve impartially.

"**Title IX Complainant**" – An individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

"**Title IX Coordinator**" – The individual designated and authorized by UCCS to coordinate its efforts to comply with and carry out its responsibilities under the regulations implementing Title IX at 85 Fed. Reg. 30026, 30026-30579. The identify of and contact information for the Title IX Coordinator is as contained in Section 5.5, which information is also available, as required by Title IX, on the UCCS website. The Title IX Coordinator may designate other UCCS officials to assist with or handle any responsibilities of the Title IX Coordinator.

"**Title IX Decisionmaker**" – An individual designated by the Title IX Coordinator or designee to reach a determination regarding responsibility in a Title IX Formal Complaint by applying the preponderance of the evidence standard of proof. The Title IX Decisionmaker cannot be the Title IX Coordinator or the Title IX Investigator or Appellate Decisionmaker assigned to the same Formal Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Title IX Complainant or Respondent, and must be trained to properly implement this Title IX Sexual Harassment Grievance Process and to serve impartially.

"**Title IX Formal Complaint**" – A document filed by a Title IX Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Title IX Respondent and requesting that UCCS investigate the allegation. At the time of filing a Title IX Formal Complaint, a Title IX Complainant must be participating in or attempting to participate in UCCS's Education Program or Activity within which the Title IX Formal Complaint is filed. A Title IX Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator in UCCS's Nondiscrimination Policy (see Section 5.4) and included in this Employee Handbook.

As used here, the phrase "document filed by a Title IX Complainant" means a document or electronic submission (such as by email or paper or electronic form provided for this purpose by UCCS) that contains the Title IX Complainant's physical or digital signature, or otherwise indicates that the Title IX Complainant is the person filing the Title IX Formal Complaint.

Where the Title IX Coordinator signs a Title IX Formal Complaint, the Title IX Coordinator is not a complainant or otherwise a party under this Title IX Sexual Harassment Grievance Process.

"**Title IX Investigator**" – An individual designated to investigate a Title IX Formal Complaint according to this Title IX Sexual Harassment Grievance Process. The Title IX Investigator cannot be the Title IX Decisionmaker or the Title IX Appellate Decisionmaker assigned to the same Formal Complaint, must be free from conflicts of interest or bias against complainants and

respondents generally and against an individual Title IX Complainant or Respondent, and must be trained to properly implement this Title IX Sexual Harassment Grievance Process and to serve impartially.

"**Title IX Respondent**" – An individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

"**Title IX Supportive Measures**" – Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Title IX Complainant or Respondent before or after the filing of a Title IX Formal Complaint or where no Title IX Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to UCCS's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UCCS's educational environment and deter sexual harassment. Title IX Supportive Measures may include but are not limited to 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.

"**Title IX Team**" – The group of individuals responsible for addressing reports and complaints of Title IX Sexual Harassment, including the Title IX Coordinator or designee, Title IX Investigators, Title IX Decisionmakers, Title IX Appellate Decisionmakers, and Title IX Informal Resolution Facilitators. Individuals on the Title IX Team may be employees of UCCS and/or third-party professionals retained by UCCS to perform assigned functions.

Title IX Sexual Harassment Grievance Procedures

For all reports or complaints alleging "Title IX Sexual Harassment" as defined in this policy, the Title IX Sexual Harassment Grievance Process (see Section 5.7) will be used to process the report or complaint. Processing a report or complaint under the Title IX Sexual Harassment Grievance Process does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by Title IX and other laws.

For all other reports or complaints of violations of Title IX, the General Grievance Process (see Section 5.6) will be used.

Conflicts of Interest

All Title IX Team members who have responsibilities under this Policy must be free of any conflict of interest or bias for or against the Title IX Complainant or Title IX Respondent, or for Title IX Complainants or Title IX Respondents generally.

The Title IX Complainant and Title IX Respondent will be notified of the identities of those involved in the investigation and resolution procedures, before those individuals initiate contact with either party, and may report a potential conflict of interest or bias relating to any Title IX Team member to the Title IX Coordinator, along with a written statement detailing the nature of the conflict or bias.

The Title IX Coordinator will review the particular facts of the situation and use an objective, common sense approach to evaluate whether a particular person serving in a role under this Policy is conflicted or biased (*i.e.*, whether a reasonable person would believe a material conflict or bias exists). An example of a conflict of interest could be the identification of a personal or social relationship between a person serving in a Title IX Team member role under this Policy and one of the parties, which may have a real or perceived effect on the judgement of the Title IX Team member.

The Title IX Coordinator will exercise caution not to apply generalizations that might unreasonably conclude that bias exists, for example, assuming that all self-professed feminists or self-described survivors are biased against men, or that a man is incapable of being sensitive to women. Past experience, including prior work as a victim advocate or as a defense attorney, does not in and of itself constitute a conflict of interest. The training required under this Policy is intended to provide Title IX Team member with the tools needed to serve impartially and without bias.

Required Title IX Training

Any person serving as a Title IX Coordinator or designee, Title IX Investigator, Title IX Decisionmaker, Title IX Appellate Decisionmaker, or Title IX Informal Resolution Facilitator, as those terms are defined by this Title IX Sexual Harassment Grievance Process, will be trained regarding the definition of Title IX Sexual Harassment, the scope of UCCS's Education Program or Activity, how to conduct this Title IX Sexual Harassment Grievance Process, including appeals and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Any person serving as a Title IX Decisionmaker or Title IX Appellate Decisionmaker under this Title IX Sexual Harassment Grievance Process will receive training on the issues of relevance of questions and evidence, including when questions and evidence about the Title IX Complainant's sexual predisposition or prior sexual behavior are not relevant.

Any person serving as a Title IX Investigator under this Title IX Sexual Harassment Grievance Process will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, their designees, Title IX Investigators, Title IX Decisionmakers, Title IX Appellate Decisionmakers, and Title IX

Informal Resolution Facilitators must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Title IX Sexual Harassment.

All employees will receive required annual training on Title IX.

Required Title IX Recordkeeping

The Title IX Coordinator or designee will maintain, for a period of at least 7 years, records of:

- Any actions, including any Title IX Supportive Measures, taken in response to a report or Complaint of Title IX Sexual Harassment. If no Title IX Supportive Measures are provided to the Title IX Complainant, then the Title IX Coordinator or designee must 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 UCCS in the future from providing additional explanations or detailing additional measures taken.

- Each Title IX Sexual Harassment investigation, including any determination regarding responsibility and any disciplinary sanctions imposed on the Title IX Respondent, and any remedies provided to the Title IX Complainant designed to restore or preserve equal access to UCCS's Education Program or Activity.

- Any appeal and the result therefrom.

- Any informal resolution and the result therefrom, and

- All materials used to train Title IX Coordinators, their designees, Title IX Investigators, Title IX Decisionmakers, Title IX Appellate Decisionmakers, and Title IX Informal Resolution Facilitators, and employees.

UCCS will keep confidential from persons outside of the investigation and grievance process the identity of any individual who has made a report or complaint under this Policy, as well as the identity of Respondents and witnesses, to the extent possible. UCCS must disclose to the Title IX Respondent the identity of the person who filed a Title IX Complaint, and UCCS may be required to disclose the identity of a person who filed a Title IX Complaint to other individuals as permitted by FERPA, required by law, and/or as necessary to conduct the investigation process. UCCS may need to disclose information related to a Title IX matter in the following situations:

(1) To those to whom it is necessary to give fair notice of the allegations and to conduct the investigation;
(2) To law enforcement consistent with state and federal law;
(3) To other UCCS officials as necessary for coordinating Supportive Measures or for

health, welfare or safety reasons,
(4) To government agencies that review compliance with federal law; and
(5) To third parties as permitted or compelled by law (e.g. in response to a lawful subpoena or in compliance with federal privacy law).

Retaliation Prohibited

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the State or federal Constitution, State or federal statute, UCCS policy, this Title IX Sexual Harassment Grievance Process, 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 Title IX Sexual Harassment Grievance Process.

Charging an individual with a policy or procedure violation for knowingly making a materially false statement or knowingly providing false information in the course of an investigation under this Title IX Sexual Harassment Grievance Process is not prohibited retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement or knowingly provided false information. Complaints alleging retaliation may be filed under Section 5.6.

Right to Pursue Other Remedies Not Impaired

The right of a person to resolution of a report or complaint under this policy shall not be impaired by the person's pursuit of other remedies, such as criminal complaints, civil actions, etc. Use of this policy and the grievance processes herein are not a prerequisite to the pursuit of other remedies and may not extend any filing deadline related to the pursuit of other remedies.

If a person is pursuing another remedy subject to a complaint under this policy, UCCS will conduct its own investigation, although in some cases delays due to another process may be warranted or required.

Investigation Procedures for Complaints Other than Title IX Sexual Harassment (General Investigation Process)

If you experience, witness, or learn of sexual or other harassment or discrimination that you believe may violate UCCS' policies, you are obligated to immediately report it to your immediate supervisor and/or the Title IX Coordinator. This applies to harassment or discrimination by employees,

students or third parties. If, for any reason, you are uncomfortable discussing the matter with your supervisor and/or if the concern involves your supervisor, you should contact the Title IX Coordinator. The following person has been designated to handle inquiries regarding UCCS' non-discrimination policies:

LaTonya Hill
Director of Family and Community Engagement & Title IX Coordinator
(773) 834 - 0096
latonyahill@uchicagocharter.org

All staff, students, parents, and visitors of UCCS are encouraged to report or make inquiries to the Title IX Coordinator. For further information on notice of non-discrimination, visit: https://www.hhs.gov/civil-rights/for-individuals/nondiscrimination/index.html for the address and phone number of the office that serves our area, or call 1-800-368-1019.

All alleged violations of the UCCS' unlawful harassment and non-discrimination policies will be promptly and thoroughly investigated.

For all reports or complaints alleging "Title IX Sexual Harassment" as defined in the Title IX Sexual Harassment Grievance Process (see Section 5.7), the Title IX Sexual Harassment Grievance Process will be used to process the report or complaint. Processing a report or complaint under the Title IX Sexual Harassment Grievance Process does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by Title IX and other laws. For all other reports or complaints of sexual harassment other than Title IX Sexual Harassment, the following General Grievance Process will be used.

The investigation will be completed within 60-90 days of the filing of a complaint or the date on which UCCS becomes aware of a suspected violation of this policy unless UCCS determines in its discretion that more time is required to complete the investigation, in which case, UCCS will notify all parties in writing of the extension of time.

In connection with the investigation, both the complainant, (i.e., the individual bringing the concern), and the respondent, (i.e., the accused person), will have the opportunity to present information regarding the matter under investigation. Both parties are expected to cooperate with the investigation, including but not limited to being interviewed as needed. To the extent these parties are offered any other opportunities to present information or participate in the investigation, UCCS will endeavor to afford the same or substantially similar opportunities to both parties, including the provision of documentary or other evidence and the identification of potential witnesses. In determining whether an individual has engaged in conduct inconsistent with this policy, UCCS will use a "preponderance of the evidence" standard (i.e., more likely than not that the alleged violation occurred). (See also, Section 4.2.6, Unauthorized Recordings).

Reports. The Investigator shall report all matters discovered by the investigation to the CEO of UCCS and/or their designees, along with recommendations for findings, sanctions, protective measures, and procedural changes at UCCS if any. The CEO and the "Determination Committee", or their designees, shall confer and determine whether to accept, amend, or reject the recommendations of the Investigator. The Determination Committee may elect to confer and/or consult with the President of the UCCS Board in determining whether to accept, amend, or reject the relevant recommendations of the Investigator.

Once the Determination Committee has made its decision regarding the recommendations of the Investigator, the Investigator shall timely notify both the complainant and respondent in writing of the outcome of the investigation, including whether there has been a determination that this policy has been violated. This written notice will be issued concurrently to the complaining and accused parties unless UCCS determines in its discretion that concurrent notification would not be appropriate. If there is a finding that UCCS policy has been violated, UCCS will take such action as it deems justified by the facts and circumstances. Such action will be intended to (1) eliminate the policy violation (i.e., stop the harassment or misconduct), (2) prevent the recurrence of the violation, and (3) address the effects of the violation on any and all parties, witnesses or persons associated with UCCS.

The complainant or the respondent may request, no later than 15 days after the outcome of the proceedings is communicated to the parties, a review of the decision by the Associate Provost or the Associate Provost's designee. The person seeking the review must put the request in writing and at the same time supply all supporting materials. The only legitimate grounds for review are: (i) that a procedural error occurred which may change the outcome of the decision; (ii) that new and material information unavailable at the time of the investigation would more likely than not substantially change the outcome of the proceeding; or (iii) the sanction is disproportionate to the violation. Review requests submitted on any other grounds will be summarily denied.

The Associate Provost (or the Associate Provost's designee) conducts an independent and unbiased review of the report, determination, and outcomes. The review will be completed within 30 days of receipt of the request for a review unless the Associate Provost (or designee) determines that more time is necessary, in which case UCCS will notify all parties in writing of the extension of time. The review is not a new investigation and does not include gathering additional information. The Associate Provost (or designee), acting on the basis of the entire record, may sustain or strike the determination, outcome and/or may sustain or modify the sanctions. If the Associate Provost (or designee), concludes that new and material information not available to the Investigator more likely than not would have resulted in a different decision, they may require the Investigator to re-open the investigation and consider the new and relevant information in making findings and rendering a decision. Any re-opened investigation will conclude within 30 days of re-opening by the Investigator, unless it is determined that more time is reasonably required, in which case, UCCS will notify all parties in writing of the extension of time.

It is a violation of UCCS policy to retaliate against any complainant for making a good-faith complaint of harassment or discrimination. Retaliation against anyone for participating in good faith in an investigation of a complaint, including as a witness, is also a violation of UCCS policy. If you believe you have been retaliated against for making or assisting in the investigation of a complaint, contact the HR Department, the Title IX Coordinator, or your supervisor immediately. In addition, submitting a complaint that is not in good faith, or providing false or misleading information in any investigation of complaints is also prohibited.

Any supervisor or department head who becomes aware of possible sexual or other unlawful harassment, discrimination, or retaliatory conduct must immediately advise the HR Department and the Title IX Coordinator so the conduct can be investigated in a timely and confidential manner. To the extent possible, your confidentiality and the confidentiality of any witnesses and the alleged harasser will be protected against unnecessary disclosure consistent with the UCCS' need to conduct a prompt and thorough investigation.

Anyone who is found to have engaged in a violation of this policy will be subject to appropriate corrective action, up to and including termination and/or removal from campus.

Title IX Sexual Harassment Grievance Process

This Title IX Sexual Harassment Grievance Process will be used to process any report or complaint of "Title IX Sexual Harassment," as defined in Section 5.5. Any person may report Title IX Sexual Harassment under this process, whether or not the reporting party is the person alleged to be the subject of the sexually harassing conduct. Reports of Title IX Sexual Harassment may be made in person, by mail, by telephone, or by electronic mail at any time (including during non-business hours) directed to the Title IX Coordinator using the contact information contained in Section 5.4. If an Official with Authority receives a report or otherwise has knowledge of a report or incident of Title IX Sexual Harassment, the Official with Authority must promptly report such information to the Title IX Coordinator.

Processing a report or complaint under this Title IX Sexual Harassment Grievance Process does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by Title IX and other laws.

This grievance process complies with all requirements of Title IX and its implementing regulations and provides required notice of the procedure used to respond to complaints of Title IX Sexual Harassment for necessary stakeholders.

Response to a Report of Title IX Sexual Harassment

If UCCS has Actual Knowledge of Title IX Sexual Harassment, the institution shall respond in a manner that is not clearly unreasonable in light of the known circumstances. If the Title IX

Coordinator has Actual Knowledge of a report of Title IX Sexual Harassment and, following a preliminary assessment of the initial report, determines the conduct reported could fall within the scope of Section 5.5 of the Policy, the Title IX Coordinator or their designee will promptly contact the Title IX Complainant to discuss the availability of Supportive Measures and to explain to the Title IX Complainant the process for filing a Formal Title IX Complaint. If applicable, the Title IX Coordinator or their designee will provide information regarding the importance of preserving physical evidence and the availability of a medical forensic examination at no charge to the victim.

The Title IX Coordinator or their designee will explain that a report may be resolved by: 1) the imposition of Supportive Measures only; 2) the filing of a Formal Title IX Complaint by the Title IX Complainant; or 3) the filing of a Formal Title IX Complaint by the Title IX Coordinator (as discussed under the Institutional Obligation to Respond section below).

Upon receipt of a Formal Title IX Complaint, the Title IX Coordinator or their designee will conduct an individualized safety and risk analysis and determine if there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment.

The Title IX Coordinator or their designee will provide the Title IX Complainant and Title IX Respondent with a written document (separate from this Policy) listing the available rights, options, and resources, including Supportive Measures, and describing the University's Title IX Formal Resolution Process for Title IX Sexual Harassment in plain, concise language.

Title IX Supportive Measures

The Title IX Coordinator will be responsible for coordinating the effective implementation of Title IX Supportive Measures. UCCS will maintain as confidential any Title IX Supportive Measures provided to the Title IX Complainant or Title IX Respondent, to the extent that maintaining such confidentiality would not impair the ability of UCCS to provide the Title IX Supportive Measures. UCCS may not impose any disciplinary sanctions or other actions that are not Title IX Supportive Measures against a Title IX Respondent unless a Title IX Formal Complaint has been filed and a finding of responsibility has been issued against the Title IX Respondent under this Title IX Sexual Harassment Grievance Process.

Emergency Removals/Leaves of Absence

UCCS may place a non-student employee Title IX Respondent on paid administrative leave during the pendency of this Title IX Sexual Harassment Grievance Process. Such emergency removals/leaves of absence must comply with any other relevant laws, policies, administrative procedures, and agreements governing removals of employees from UCCS' program or activity.

UCCS may conduct investigations of employees when wrongdoing is alleged, or another entity

other than UCCS, such as DCFS or the Office of the Inspector General, for example, may seek to investigate a UCCS employee. During the course of any investigation, whether conducted by UCCS or another entity, UCCS may, in its discretion, place the employee being investigated on a paid administrative leave. During the course of such leave, UCCS may limit access to UCCS systems and confiscate UCCS equipment, such as but not limited to UCCS laptops, cell phones, and chargers, as well as keys and key cards, in the possession of any UCCS employee being placed on administrative leave due to an investigation.

Where UCCS places an employee on a paid administrative leave, the employee is required to attend any investigative interviews or meetings set by UCCS for purposes of investigating the alleged misconduct. During such interviews and meetings, UCCS' policy forbidding recording of the meeting applies. See also Section 13.2, Investigations.

UCCS Obligation to Respond

If UCCS has Actual Knowledge of Title IX Sexual Harassment but the Title IX Complainant asks to remain anonymous during the investigation and/or asks that the UCCS refrain from investigating, the Title IX Coordinator will consider how to proceed. The Title IX Coordinator will take into account the Title IX Complainant's wishes, and factors including, but not limited, to the following: (a) was a weapon involved in the incident, (b) were multiple assailants involved in the incident, (c) is the accused a repeat offender, (d) does the incident create a risk of occurring again, (e) the results of the individualized safety and risk analysis, (f) UCCS' obligation to provide a safe and non-discriminatory environment, and (g) the Title IX Respondent's right to have specific notice of the allegations and an opportunity to be heard if UCCS were to take action that affects them. In such circumstances, the Title IX Coordinator may arrange for limited fact-finding to better understand the context of the complaint and explore viable options for addressing safety concerns, and any options for investigation, adjudication, and remediation.

Because Title IX Sexual Harassment may constitute a serious offense that threatens the community as a whole, in some instances UCCS may be obliged to address allegations through internal resolution procedures without the cooperation of the individual making the allegation. In such instances, the Title IX Coordinator may file a Formal Title IX Complaint and initiate investigation and grievance procedures. In such instances, UCCS will respect the parties' privacy to the extent possible consistent with its legal obligations and will inform the victim of its obligation to address a community safety issue. All publicly available recordkeeping, including Clery Act reporting and public disclosures, will not contain personally identifying information about the victim.

Filing a Formal Title IX Complaint

If a Title IX Formal Complaint alleging Title IX Sexual Harassment is filed or initiated, the Title IX Coordinator or designee will, at a minimum:

- **Notice of Allegations:** Provide written notice to any known Title IX Complainants and Title IX Respondents including:

  - A copy or link to this Title IX Sexual Harassment Grievance Process.

  - Notice of the allegations of Title IX Sexual Harassment in the Title IX Formal Complaint, including the identities of all known parties involved in the incident(s), the conduct allegedly constituting Title IX Sexual Harassment, the date and location of the alleged incident, if known, and any other details necessary to prepare a response; such notice must be provided with sufficient time for the parties to prepare a response before any interview, which in no case shall be less than 48 hours.

  - A statement that the Title IX Respondent is presumed not responsible for the alleged conduct.

  - A statement that a determination regarding responsibility is made at the conclusion of the grievance process.

  - Notice to the parties that they may have an advisor of choice who may be, but is not required to be, an attorney.

  - Notice to the parties that they may inspect and review evidence obtained during the investigation; and

  - Notice of any provision of UCCS policy or procedure that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If at any time during the course of the investigation additional allegations of Title IX Sexual Harassment arise that will be investigated and that were not included in the written notice, the Title IX Coordinator or designee will, within five Business Days of the decision to add the allegations to the investigation, provide notice of the additional allegations as described above to the parties whose identities are then known.

Mandatory Dismissals

Within five Business Days of receiving a Title IX Formal Complaint filed by a Title IX Complainant, the Title IX Coordinator or designee will dismiss under this Title IX Sexual Harassment Grievance Process any allegation in the Title IX Formal Complaint that would not constitute Title IX Sexual Harassment, even if true; or that did not occur in UCCS' education program or activity; or that did

not occur against a person in the United States. Nothing precludes action on any dismissed allegations under another policy, procedure, or rule of UCCS. Upon such dismissal, the Title IX Coordinator or designee will send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

Formal Title IX Investigative Process

Upon receipt of a written and signed Formal Title IX Complaint, the Title IX Coordinator will conduct an initial assessment to determine whether the alleged conduct in the Formal Title IX Complaint, if substantiated, would constitute Title IX Sexual Harassment or Retaliation under the Policy in Section 5.5. Following the initial assessment, if the allegations forming the basis of the Formal Title IX Complaint would, if substantiated, constitute Title IX Sexual Harassment, the Title IX Coordinator or their designee shall assign a Title IX Investigator who will initiate an investigation of the allegations.

The investigative process will generally include: (1) interviewing the Title IX Complainant (and the alleged victim, if that person is not the Title IX Complainant), (2) interviewing the Title IX Respondent, (3) interviewing witnesses, (4) collecting evidence, (5) if applicable, contacting and cooperating with law enforcement; and (6) preparing an investigative report that fairly summarizes relevant evidence. Such an investigation may occur alongside an independent law enforcement investigation.

During the investigation of a Title IX Formal Complaint and throughout this Title IX Sexual Harassment Grievance Process, the Title IX Team must:

- **Burdens:** Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on UCCS and not on the parties, provided that UCCS cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless UCCS obtains the voluntary, written consent to do so from that party.

- **Equal Treatment – Evidence Presentation**: Provide an equal opportunity for the parties to present any inculpatory or exculpatory evidence, including fact and expert witnesses. UCCS will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

- **Equal Treatment – Advisors:** Provide the parties with the same opportunities

to have others present during this Title IX Sexual Harassment Grievance Process, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of an advisor for either the Title IX Complainant or Title IX Respondent in any meeting or grievance proceeding. However, UCCS may establish restrictions regarding the extent to which the advisor may participate in the proceedings, if at all, as long as the restrictions apply equally to both parties.

- **Written Notice of Meetings:** Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews and other meetings, with sufficient time for the party to prepare to participate, which in no case shall be less than 48 hours.

- **Equal Opportunity – Evidence Review:** Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Title IX Formal Complaint, including evidence upon which UCCS does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

  Prior to completion of the investigative report, the Title IX Investigator(s) must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response, which the Title IX Investigator(s) will consider prior to completion of the investigative report.

- **Investigative Report:** Within 60-90 Business Days of receipt of the Title IX Formal Complaint, the Title IX Investigator will create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to a determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

  The process used to investigate and resolve a Title IX Formal Complaint will also meet the following additional requirements:

- The process used must treat Title IX Complainants and Title IX Respondents equitably in all manners, including by providing remedies to a Title IX Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Title IX Respondent, and by following this Title IX Sexual Harassment Grievance Process before the imposition of any

disciplinary sanctions or other actions that are not Title IX Supportive Measures against a Title IX Respondent.

- No evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege will be required, allowed, or relied on unless the person holding such privilege has waived the privilege.

- The Title IX Investigator and the Title IX Decisionmaker will objectively review all relevant evidence, including both inculpatory and exculpatory evidence, and credibility determinations will not be based on a person's status as a Title IX Complainant, Title IX Respondent, or Witness.

- All members of the Title IX Team will operate under a presumption that the Title IX Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of this Title IX Sexual Harassment Grievance Process.

- Remedies may include, but are not limited to, the same individualized services described as Title IX Supportive Measures in this policy but need not be non-disciplinary or non-punitive and need not avoid burdening the Title IX Respondent. Disciplinary sanctions for employees include a range of options, including, but not limited to, a letter of reprimand, reassignment, suspension with or without pay, discharge or recommendation for discharge, notifying appropriate legal authorities and/or taking legal action against the employee.

- The Title IX Coordinator or designee may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Title IX Respondent, or by more than one Title IX Complainant against one or more Title IX Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

Decision-making

After the investigation of a Title IX Formal Complaint, the Title IX Coordinator or designee and the Title IX Decisionmaker will comply with the following:

- **Designation of Decisionmaker:** The Title IX Coordinator or designee will identify one or more Title IX Decisionmakers for the Title IX Formal Complaint, which cannot include the Title IX Coordinator or designee or the Title IX Investigator assigned to the Title IX Formal Complaint.

- **Written Questions to the Other Party:** After the time to submit written responses to the investigative report has expired, the Title IX Decisionmaker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Title IX Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Title IX Complainant's prior sexual behavior are offered to prove that someone other than the Title IX Respondent committed the conduct alleged by the Title IX Complainant, or if the questions and evidence concern specific incidents of the Title IX Complainant's prior sexual behavior with respect to the Title IX Respondent and are offered to prove Consent. The Title IX Decisionmaker must explain to the party proposing the questions any decision to exclude a question as not relevant. This process should be limited to 14 Business Days.

- **Written Determination:** Within 20 Business Days of receipt of the final written responses and evidence from the parties, the Title IX Decisionmaker(s) must issue a written determination regarding responsibility. To reach this decision, the Title IX Decisionmaker(s) must apply the preponderance of the evidence standard, i.e., whether it is more likely than not that this Policy has been violated. The written determination must include:

    - Identification of the allegations potentially constituting Title IX Sexual Harassment.

    - A description of the procedural steps taken from the receipt of the Title IX 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.

    - Findings of fact supporting the determination.

    - Conclusions regarding the application of this Title IX Sexual Harassment Grievance Process to the facts.

    - A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary UCCS will impose on the Title IX Respondent, and whether remedies designed to restore or preserve equal access to UCCS's Education Program or Activity will be provided by UCCS to the Title IX Complainant; and

    - UCCS's procedures and permissible bases for the Title IX Complainant and Title IX Respondent to appeal.

- **Notice of Written Determination:** The Title IX Decisionmaker(s) or a designee must provide the written determination to the parties simultaneously.

Appeal

Both parties may appeal from either a determination regarding responsibility or from UCCS's dismissal of a Title IX Formal Complaint or any allegations therein, on the following bases:

- Procedural irregularity or error that affected the outcome of the matter.
- New evidence or information 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/or
- Claims that the Title IX Coordinator or designee, Investigator(s), or Decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Title IX Complainant or Title IX Respondent that affected the outcome of the matter.

A Title IX Complainant or Title IX Respondent who wishes to appeal must submit a notice of appeal to the Title IX Coordinator within five calendar days of the date of the Title IX Decisionmaker(s)' decision. An appeal may be filed by email, mail, or hand delivery to the Title IX Coordinator. If delivered by mail, the notice of appeal must be postmarked by the 5th calendar day after the date of the Title IX Decisionmaker(s)' decision.

Upon receipt of an appeal, the Title IX Coordinator or designee must do the following:

- **Notice of Appeal:** Within five Business Days of receipt of the appeal, notify the other party in writing that an appeal was filed.
- **Equal Treatment – Appeal:** Implement appeal procedures equally for both parties.
- **Different Title IX Appellate Decisionmaker:** Ensure that the Appellate Decisionmaker(s) are not the same person(s) as the Title IX Decisionmaker(s) that reached the determination regarding responsibility or dismissal, the Title IX Investigator(s) assigned to the Title IX Formal Complaint, or the Title IX Coordinator or designee.

- **Appeal Standards Met:** Ensure that the Title IX Appellate Decisionmaker(s) complies/comply with the standards set forth in this policy for appeals.

Upon receipt of an appeal, the Title IX Appellate Decisionmaker(s) must do the following:

- **Equal Treatment – Written Statement:** Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

- **Written Appeal Decision**: Issue a written decision describing the result of the appeal and the rationale for the result within 30 Business Days of receipt of the notice of appeal, and

- **Notice of Written Appeal Decision:** Provide the written decision on appeal simultaneously to both parties.

If an appeal is successful, the Title IX Coordinator or designee will remand the matter back to the appropriate member of the Title IX Team to remedy the concern. A determination regarding responsibility becomes final on the date that (1) if an appeal is filed, the Title IX Appellate Decisionmaker provides the parties with the written determination of the result of the appeal upholding the determination; or (2) if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator or designee is responsible for effective implementation of any remedies.

After the conclusion of the Title IX Sexual Harassment Grievance Process, UCCS or the parties may exercise any rights ancillary to this Title IX process as necessary, e.g. disciplinary processes under Senate Bill 100 for suspensions or expulsions of students; any other pre-termination process required by employment policy, or employment contract, if any; the right to appeal the final determination of a sex equity grievance to the Board and, thereafter, to the Superintendent of the Appropriate Educational Service Region and the State Superintendent of Education pursuant to 23 Ill. Admin. Code 200.40 for sex equity complaints, etc.

Deadlines

All timeframes under this Title IX Sexual Harassment Grievance Process may be temporarily extended for good cause by the Title IX Coordinator or a designee. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disability; and other circumstances outside of the institution's control. The Title IX Coordinator or a designee shall notify the parties in writing when a timeframe is extended.

Additional Information

Inquiries about this Title IX Sexual Harassment Grievance Process may be directed to the Title IX Coordinator or the United States Office for Civil Rights (contact information available online at: https://www2.ed.gov/about/offices/list/ocr/addresses.html).

Other Procedures

To the extent that they do not conflict with any requirements of this Title IX Sexual Harassment Grievance Process and are implemented equally and fairly as to the parties, the Title IX Team may use processes from UCCS sexual harassment and sexual misconduct processes outlined in this Employee Handbook when processing Title IX Sexual Harassment reports and complaints. If UCCS intends to use any such processes in addressing Title IX Sexual Harassment reports or complaints, the Title IX Coordinator or designee will make available written administrative procedures supplementing this Title IX Sexual Harassment Grievance Process and detailing the additional procedures to be used.