

D1.2.4 University Laboratory School – University Laboratory School Hostile Educational Environment Sexual Harassment Procedures

Illinois State University and the University Laboratory Schools strive to foster an academic environment that is free from all forms of harassment and discrimination in accordance with law, [University Anti-Harassment and Non-Discrimination Policy 1.2](#), and the [University High School](#) and [Thomas Metcalf](#) Student Handbooks. To achieve this goal, Illinois State University has a responsibility to respond to complaints of harassment and discrimination quickly and fairly. Acts of harassment and discrimination are inconsistent with the University's values and will not be tolerated. Illinois State University maintains a proactive stance on the prevention of harassment and discrimination and imposes strict sanctions against those found responsible for committing such acts.

Sexual harassment is defined by federal law as the following:

1. An employee of the University Laboratory School or Illinois State University conditions the provision of aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct; or
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal educational access; or
3. Any instance of sexual assault as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

I. Reporting and Complaint Procedures for University Laboratory Schools

Reporting

Any person (including Laboratory School students, parents, employees, volunteers, and third parties) can report instances of gender-based harassment including sexual harassment, sexual assault/misconduct, domestic violence, dating violence, and stalking. University Laboratory School employees must report these instances to the Building Principal or designee or directly to the Office of Equal Opportunity and Access as soon as the employee is made aware. The University Laboratory School will immediately notify the Office of Equal Opportunity and Access upon receipt of the allegations. Reports can be submitted in the following ways:

Title IX Coordinator

The University's Title IX Coordinator is responsible for the University's Title IX compliance program, which includes oversight and implementation of the University's Title IX policies and grievance procedures. The Title IX Coordinator coordinates related education, training, and prevention programming and monitors the campus climate.

The Title IX Coordinator and Deputy Title IX Coordinator can be contacted by telephone, e-mail, or in person during regular office hours:

Title IX Coordinator
EqualOpportunity@IllinoisState.edu
TitleIX@IllinoisState.edu
Office of Equal Opportunity and Access
Hovey Hall, Room 310
Campus Box 1280
Normal, IL 61761
[\(309\) 438-3383](tel:3094383383)
Office Hours: Monday-Friday 8:00 a.m. to 4:30 p.m.

Campus or Local Law Enforcement

For emergencies dial 9-1-1, and your call will be answered by a 9-1-1 dispatcher at the Illinois State University Police Department or other local emergency agency. In a non-emergency situation, please dial 309-438-8631 to be connected to the Illinois State University Police Department. For more information on reporting please go to the [Reporting Crimes Policy](#).¹

Electronically

In non-emergency situations, the University's online Public Incident Report form is available for anyone to submit a report by accessing the following link: https://ilstu-advocate.symplicity.com/public_report.

Anonymously

If a reporting party wishes to remain anonymous, please call (309) 438-0268 and leave a detailed message.

II. Resources

Supportive Measures

Supportive measures are designed to restore or preserve access to the Laboratory School's education program or activity, without unreasonably burdening the other party, while also protecting the safety of all parties and the Laboratory School's educational environment and deterring sexual harassment. The Title IX Coordinator is charged with coordinating the effective implementation of supportive measures. For purposes of this Policy, supportive measures are defined as measures that are non-disciplinary and non-punitive individualized services offered as appropriate and when reasonably available. Supportive measures may include, but are not limited to:

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- Counseling
- Extensions of deadlines
- Class schedule changes
- Mutual restrictions on contact
- Increased monitoring
- Limited extracurricular activities
- Emergency removal - provided that the school undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or

other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice (may be appealed through the appropriate Laboratory School process); and

- Other similar measures.

Supportive measures are implemented without a fee or charge, to either party, and can be implemented before or after the filing of a formal complaint. When appropriate, supportive measures may also be implemented where no formal complaint is filed.

If a Complainant or Respondent desires supportive measures, the University and Laboratory School will keep the individual's identity confidential, unless disclosing the Complainant's identity is necessary to provide supportive measures for the Complainant (e.g., where a no-contact order is appropriate and the Respondent would need to know the identity of the Complainant in order to comply with a University contact restriction, or campus security is informed about the no-contact order in order to help enforce its terms).

The Title IX Coordinator, in consultation with Laboratory School administrators, will consider what reasonable measures to provide to individual students as supportive measures to ensure continued equal access to educational programs, activities, opportunities, and benefits. The Title IX Coordinator will serve as the point of contact with the parties (Complainant, Respondent, etc.) and is responsible for communicating with other offices within the school or department as needed to ensure the supportive measures are applied accordingly. At the conclusion of the University process any supportive measures will be reviewed and removed if necessary.

III. Complaint Procedures for Filing an OEOA Complaint Against a Student Based on Sexual Harassment, Sexual Assault/Misconduct, Domestic Violence, Dating Violence or Stalking

A. Formal Complaint

Any student or parent/guardian of a student who feels that they or their child has experienced harassment and/or discrimination on the basis of sex (including sexual harassment, sexual assault, domestic violence, dating violence, or stalking) can report the alleged conduct to the University or the Laboratory School. Although the University is able to receive and process anonymous reports, we are not able to accept and investigate anonymous formal complaints.

Laboratory School administrators may gather information related to a reported complaint as soon as they are notified and send notice to both parents/guardians of the Complainant and Respondent of the allegations with information regarding the review process. This review may include initial outreach to parents/guardians of students the school intends to interview. The Laboratory School will consult with the Office of Equal Opportunity and Access (OEOA) to discuss the appropriate response.

Once the Laboratory School and OEOA have received information related to a potential policy violation, written notice will be sent promptly to the parents/guardians of the Complainant outlining the availability of supportive measures along with information on how to file a formal complaint. Supportive measures are available to the Complainant with or without the filing of a formal complaint.

The University reserves the right to have the Title IX Coordinator sign a formal complaint and/or consolidate formal complaints. A determination by the Title IX Coordinator to file a formal complaint will be made on a case by case basis. For the purposes of this Policy, if the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not considered a party to the case. For example, but not limited to, the University may consolidate complaints against one or more Respondents for allegations arising out of the same facts or circumstances.

In the event a matter is dismissed pursuant to University Policy 1.2(O)(1) as a mandatory or discretionary dismissal, the information will be forwarded to the appropriate University Laboratory School administrator or designee to review for other Student Handbook violations. An example of a mandatory dismissal would be if the incident occurred outside of the United States or was not part of a program or activity as defined in University Policy 1.2, the University is required to dismiss and provides notice to the parties. An example of a discretionary dismissal is when the Complainant or their parent/guardian requests, in writing, to withdraw the complaint.

For the purposes of this Policy, a formal complaint is defined as a signed document by a Complainant, their parent/guardian, or the Title IX Coordinator alleging sexual harassment, as defined in University policy 1.2 and the Laboratory School handbook, against a Respondent that requests the investigation process be initiated by OEOA. Additionally, there is no time limit on a Complainant's decision to file a formal complaint.

The Complainant always has the option to pursue a criminal complaint with the appropriate law enforcement agency or pursue both the OEOA and criminal complaint processes simultaneously.

The University will strive to complete the investigation, meaning the period from commencement of an investigation, through to completion of an investigative report, within a reasonably prompt timeframe. The commencement of an investigation begins with the receipt of a signed formal complaint from the Complainant or when the Title IX Coordinator signs a formal complaint on behalf of the University. The University will strive to gather evidence and conduct interviews within thirty (30) University business days, with the understanding that additional time beyond 30 days may be necessary. OEOA reserves the right to extend this time frame by a reasonable period for good cause. 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 the accommodation of disabilities. For example, OEOA may need to temporarily delay an investigation if the matter is also being investigated by Illinois State University Police Department. If additional time is necessary, both the Complainant's parents/guardians and Respondent's parents/guardians will be notified of the OEOA's need to extend the investigation beyond the 30 University business day limit.

B. Investigation of Formal Complaint

When OEOA investigates allegations of sexual harassment, it reviews the information collected using the preponderance of the evidence standard. "Preponderance of the evidence" means there is more credible information supporting the position of one party, in comparison to the other, so that the facts in question were more likely than not to have occurred. The presumption is that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.

It is the responsibility of the University to gather relevant evidence to the extent reasonably available and not the responsibility of the parties. The University's review will be thorough, reliable, and impartial.

Advisors

The parties can have others present during the complaint procedure, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

OEOA Investigator

Whenever a formal complaint is received and reviewed, the Title IX Coordinator will assign an Investigator. The Investigator will be an OEOA staff member and must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. Any requests for supportive measures expressed to the OEOA Investigator will be sent to the Title IX Coordinator for decision and implementation.

A Complainant or a Respondent, or their parent/guardian, who has concerns that the assigned OEOA Investigator cannot conduct an impartial and fair review (e.g., has personal connections to any involved parties) may report those concerns directly to the Title IX Coordinator. Any concerns of perceived bias reported to the Title IX Coordinator will be assessed to determine whether a different Investigator should be assigned to the investigation.

1. Notice to the Complainant and Respondent

Once a formal complaint has been filed, the Complainant and the Respondent, and their parent/guardian, will be informed in writing of the initiation of the OEOA investigation into alleged violations of the Policy, and when applicable alleged violations of the Laboratory School Handbook. The notice of the investigation will include the identities of the parties, a summary of the conduct at issue (including when and where it allegedly occurred, if known), and the potential specific violations. The parties and parent/guardians will be notified that they may have an advisor of their choice, at their own cost, attend all meetings. Further, both parties will be notified of the process to request supportive measures and the prohibition against knowingly making false statements or knowingly submitting false information during the investigation process.

The Respondent, in specific, will be informed that they are presumed not responsible for the alleged conduct and that a determination regarding responsibility is not made until the conclusion of the complaint process. Through the course of the investigation, if any evidence is obtained or disclosed that may establish additional potential violations, the Respondent will be informed in writing at that time.

2. Investigative Interview

During an investigation, the Investigator will meet separately with the Complainant, the Respondent, and pertinent witnesses with their parent/guardian or advisor present. At the time of the meeting, the Complainant, the Respondent, and pertinent witnesses with their parent/guardian or advisor present will be given the opportunity to participate in an interview with the Investigator.

As noted above, the Complainant and the Respondent may bring an advisor of their choice to an interview, with the understanding that the advisor's role is to provide guidance, advice, and assistance.

Following the interview, each individual and their parent/guardian will be provided with a draft summary of their statement for their review and feedback to ensure its accuracy and completeness.

3. Evidence

An investigation will allow both the Complainant and the Respondent and their parent/guardian an opportunity to submit information, additional evidence, and to identify witnesses, including fact and expert

witnesses, with relevant and appropriate information. The Investigator will offer both parties and their parent/guardian an equal opportunity to submit and/or identify relevant information or inculpatory and exculpatory evidence and will also gather other relevant information or evidence reasonably available to the Investigator and University. Evidence that may be reasonably available to the University includes but is not limited to, documents, photographs, social media, communications between the parties, and other electronic records as appropriate.

Attorney-client privileged material is not accessible to the Investigator. In addition, in general, a person's medical and counseling records are confidential and not accessible to the Investigator unless the person voluntarily chooses to share those records with the Investigator. Should the parties involved submit medical records as evidence, any information that is deemed confidential and/or irrelevant to the investigation must be redacted by that party. In those instances, if relevant and appropriate, the information will be summarized in the preliminary report for both parties' review, and the relevant portions of the medical records will be made available for the other party's review.

The University cannot restrict the ability of either party to discuss the allegations under investigation or to gather and present evidence during the grievance process.

All evidence (inculpatory and exculpatory) obtained as part of the investigation will be shared with the parties, and their parents/guardians or advisors for their review and comment. The parties will have ten (10) University business days to review all evidence and submit any feedback to the evidence.

The Investigator will objectively review all information identified or provided by the parties as well as any additional evidence obtained and will determine the appropriate relevance and probative value of the information developed or received during the investigation.

4. Draft Investigation Report

After each individual and their parent/guardian has had the opportunity to comment on their own statement and the evidence, the Investigator will prepare a draft investigation report. The draft investigation report will include a description of the procedural steps taken, the evidence gathered, including statements obtained during the investigation, any feedback to statements and any other information and evidence gathered. The Investigator will provide the parties, parents/guardians, and their advisors, if any, with the draft investigation report in an electronic or hard copy format.

The parties, parents/guardians, and advisor will have one opportunity to concurrently review the draft investigation report and provide feedback. The parties, their parents/guardians, and advisor must submit any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the Investigator, within ten (10) University business days after the draft report is sent to them for review. The parties' feedback may be attached to the final investigation report, if it is determined to be relevant and appropriate.

5. Final Investigation Report

After receiving any feedback submitted by either party, or after the ten (10) calendar days review period has lapsed without response, the Investigator will address any relevant and appropriate issues identified by

the Complainant and/or the Respondent and their parents/guardians and as appropriate, pursue any additional investigative steps as needed, and will issue a final investigation report for purposes of a hearing referral.

The OEOA Investigator will provide a copy of the final investigation report simultaneously to the parties and their parents/guardians, and their advisors, if any, in an electronic or hard copy format. In addition to the investigation report, the OEOA Investigator will also provide written information about next steps in the process.

6. Referral to Hearing

At the conclusion of the OEOA investigation and at the start of the parties ten (10) calendar day review, the information contained in the final investigation report will be forwarded to a separate decision-maker in the Office of Equal Opportunity Access (not the Investigator) and the Laboratory School Building Principal or designee (not to be any Assistant Principal involved in initial fact gathering) as the final decision-makers.

C. Final Case Adjudication Procedures

During the ten (10) University business day review of the final investigation report, both parties, their parents/guardians, and/or advisors may submit written, relevant questions that a party wants asked of any other party or witness. The decision-makers from OEOA and the Laboratory School will provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent are offered to prove consent under University Policy 1.2 and in the appropriate Laboratory School Handbook.

Before questions are submitted to a Complainant, Respondent, or witness, the decision-maker from the Office of Equal Opportunity and Access must first review the questions to determine whether the questions are relevant and explain any decision to exclude a question as not relevant. In the event that a question is deemed irrelevant, the party that proposed the question, their parents/guardians, or advisor may challenge the exclusion.

At the conclusion of the final case adjudication procedure, the decision maker from the Office of Equal Opportunity and Access will reach a decision for the alleged violations, on the basis of whether there is a preponderance of information that the Respondent violated each cited University and Laboratory School regulation. The decision-makers will prepare a finding of fact and then the Building Principal or designee will impose sanctions for violations found, if any. A decision letter will be emailed to the student and their parent/guardian by no later than seven (7) University business days after conclusion of the final case adjudication procedure. This may be delayed if the decision maker needs additional time to review the information given by the parties during the questioning process. Notifications of any delay will be emailed to the parties and their parents/guardians.

D. Sanctions

As noted above, the decision-makers will prepare a finding of fact and the Building Principal or designee will impose sanctions for any violations found. A decision letter will be emailed to the parties and their parents/guardians by no later than seven (7) business after the close of the final case adjudication process. For a complete list of possible sanctions, please refer to appropriate Student Handbook. These sanctions include disciplinary remedies under the applicable Code of Student Conduct which may include in-school options such as detention or out-of-school disciplinary options such as suspension or expulsion.

E. Appeals

Both parties and their parents/guardians can appeal outcomes of findings. The President of Illinois State University or designee will issue the final determination after reviewing recommendations from the Laboratory School Director or designee according to the process described below.

1. The criteria for filing an appeal are:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-makers(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome of the matter.

The process for the review of appeals is as follows:

1. The parties and their parents/guardians have ten (10) University business days to request an appeal to any decision rendered through the final case adjudication procedure. The ten-day period begins on the date of delivery of the decision letter via email.
2. The Director or designee of the Laboratory Schools shall review the information provided by the appellant, as well as all case information to ensure that the appeal meets the criteria for appeal. The Director or designee of the Laboratory Schools will not be the same individual that served as a decision-maker on the initial decision. In some cases, the Director or designee may invite the appellant to provide additional information. Neither the Director or their designee will be the same person as the decision-maker in the final case adjudication procedure.
3. The Director or designee will notify both parties and their parents/guardians in writing within five (5) business days of when an appeal has been received. The Director or designee will give both parties and their parent/guardian an equal opportunity to submit a written statement in support of, or challenging, the outcome. The parties and their parents/guardians will have five (5) business days to submit any written statements from the date the notice of appeal is sent.
4. Within ten (10) business days of concluding the parties and their parents/guardians time to provide statements in support or opposition to the appeal, the Director or designee will review all relevant information related to the case and the appeal. The Director or designee will submit a recommendation and rationale either granting or denying the appeal to the President of Illinois State University or designee.
5. The President or designee will issue the final decision to all parties within ten (10) business of receiving the recommendation.
6. The President or designee's decision on the appeal is considered final.

Footer

1. If the school believes there has been a criminal act, the school must refer to Illinois State University Police Department for their review. If referred to the police department, any officer involved will adhere to the following:
 1. Ensure that notifications or attempted notification of the student's parents or guardian is made.
 2. Document the time and manner in which the notification or attempted notification occurred.