

<b>Facility:</b>	<b>Illinois College of Optometry and Illinois Eye Institute</b>
<b>Policy:</b>	<b>Campus Conduct Policy</b>
<b>Effective/Revised:</b>	<b>March 2016 (M.Bartold)</b>
<b>Review Dates:</b>	

## Campus Conduct Policy

ICO seeks to create an environment where the greatest academic potential of students and professional potential of employees can be reached. Toward that end, ICO values a community atmosphere that is free from all forms of discrimination and harassment, and will endeavor to prevent discrimination based on race, color, gender, sexual orientation, national origin, age, disability or military service. ICO prohibits conduct which prevents free academic interaction and opportunities or which creates an intimidating, hostile or offensive study or work environment.

Sexual harassment and racial harassment have been held to constitute a form of discrimination that is prohibited by Title VII of the Civil Rights Act of 1964, as amended, and Title IX of the Educational Amendments of 1977. Other types of harassment or discrimination (age, religious, national origin, disability or other protected status) are prohibited by applicable state and federal law.

Illinois College of Optometry is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment and misconduct on the basis of sex, which includes sexual orientation and gender-related identity and expression. It is the policy of the College that no employee, student or other members of the College community shall be subject to sexual discrimination, harassment or misconduct. This Policy applies to students, employees, appointees, or third-parties, whenever the misconduct occurs:

1. On College property; or
2. Off College property if:
  - A. The conduct was in connection with a College or College-recognized program or activity; or
  - B. The conduct may have the effect of creating a hostile environment for a member of the College community.

The College designates our Title IX Coordinator and team to ensure adherence to the policy and promote a respectful College environment free of sexual discrimination, harassment and misconduct.

Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperating in the investigation of such allegations (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited. No one will be subject to retaliation for bringing good faith concerns to our attention or for assisting in an investigation, even when coming forward identifies the reporter of having been at an event where College policies governing alcohol or drug use may have been violated.

ICO (under the oversight of the Title IX Coordinator) will maintain and publish procedures implementing this policy on the College's publicly available Campus Conduct website, as well as in other formats useful to a variety of College audiences. These sources contain information that includes but is not limited to:

- Definitions of prohibited conduct;
- Responsibilities of and contact information for ICO's Title IX Coordinators;
- Options for assistance following an incident of sexual discrimination, harassment and/or misconduct;

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- Procedures for reporting and confidentially disclosing sexual discrimination, harassment and/or misconduct;
- Complaint investigation, resolution, and appeal procedures;
- Prevention and education programming provided to College students;
- Training and education provided to employees, including the Title IX Coordinator, Department of Human Resources, Campus Security, responsible employees, and anyone involved in responding to, investigating or adjudicating sexual discrimination, harassment and misconduct incidents; and
- Any other relevant information as required by federal and state law.

Comprehensive information about the College’s disciplinary procedures can be found in the Student Guide and in the Employee Handbook, both of which can be found online on my.ico.edu. ICO maintains a compliance program, including a reporting mechanism as one way of communicating to employees and external parties that we are committed to compliance with all applicable laws, standards and regulations. A compliance program is also a way of organizing policies and compliance information in order to facilitate the understanding of what can sometimes be overwhelming and confusing information. The Compliance Office maintains a confidential message line at 312-949-7225 that can be utilized to report any compliance related concerns or matters. This line provides allows for confidential and anonymous reporting and does not track caller id information.

There may also be behaviors (such as an isolated inappropriate comment) that are offensive or cause discomfort but do not constitute a policy violation or warrant disciplinary action by the College; In these situations, the College can still provide supportive resources and avenues for feedback and education.

## The Title IX Team

ICO has designated the following individuals as part of the Title IX Team.

- Title IX Coordinator: Beth Karmis, Sr. Director for Student Development, 312-949-7415, Room 2721
- Deputy Title IX Coordinators:
  - Laura Rounce, VP for Administration, 312-949-7040, Room 2533
  - Dr. Valerie Conrad, VP for Compliance, 312-949-7304, Room 1211
  - Milissa Bartold, Director of Financial Aid, 312-949-7440, Room 2705

## Prohibited Behavior

ICO prohibits all forms of gender-based and sexual misconduct (including sexual harassment) which unreasonably interfere with, deny, or limit someone’s ability to participate in or benefit from an ICO educational program, activity, or employment. This policy applies to behavior exhibited by students, employees, visitors, and any other person affecting the campus community. Violations of the policy may occur between individuals or groups of individuals of any sexual orientation, gender identity, gender expression, gender, or sex. Where

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“gender/sex” is used below, the term is intended to be reflective of actual or perceived gender identity, gender expression, gender, sexual orientation, and/or sex. Prohibited behaviors are defined as:

a. **Sexual harassment:** Unwelcome, verbal or physical conduct based on gender/sex that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from an ICO educational program or activity. This includes:

- **Hostile Environment:** one or more behaviors that create an intimidating educational or employment environment,
- **Discrimination:** Actions taken by a person in a position of authority at the College that deprive others of access, benefits, or opportunities based on irrelevant protected criteria.

b. **Non-Consensual Sexual Contact:** Any intentional sexual touching, however slight and with any object or body part, that is without consent and/or by force or coercion. This includes intentional contact with breasts, buttocks, groin, mouth, or genitals, as well as any other intentional bodily contact that occurs in a sexual manner.

c. **Non-Consensual Sexual Intercourse:** Any sexual penetration or copulation, however slight and with any object or body part that is without consent and/or by force or coercion. Intercourse includes anal or vaginal penetration by a penis, object, tongue, or finger, and oral copulation (mouth and genital/anal contact), no matter how slight the penetration or contact.

d. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of an individual to benefit anyone other than the person being exploited. Examples include: invading privacy, video or audio recording of sexual acts without consent, knowingly transmitting a Sexually Transmitted Infection (STI), sexually-based stalking or bullying, or exposing one’s genitals.

e. **Intimate Relationship Violence:** violence or the threat of violence between those in a sexual and/or comparably personal and private relationship, including:

- **Domestic Violence:** violence committed by someone’s current or former spouse or intimate partner (including an intimate cohabitant), current or former cohabitant, or another such person protected under domestic or family law, such as someone with whom the victim shares a child.
- **Dating Violence:** violence by a person who has been in social relationship of a romantic or intimate relationship with the victim. A “relationship” is determined by the reporting party’s statement with consideration of the length, type, and frequency of interaction.

f. **Stalking:** two or more acts directed at a specific person that would cause a reasonable person under similar circumstances and with similar identities to fear for her, his, or others’ safety, or to suffer substantial emotional distress. Examples include: repetitive and/or menacing pursuit, following, harassment, or other interference with the peace and/or safety of another person or that of his or her immediate family members.

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g. **Other Gender-Based Misconduct:** Physical harm, extreme verbal abuse, or other conduct that threatens the health or safety of any person on the basis gender/sex. This includes hazing and bullying, as defined in the Student Guide.

*(This information and the campus policy are adapted from the ATIXA Gender-Based and Sexual Misconduct Policy by the National Center for Higher Education Risk Management (NCHERM) and the Association of Title IX Administrators (ATIXA), 2011).*

h. ICO prohibits discrimination and/or harassment of any student, employee, patient or third-party on the basis of race, religion, nationality, socio-economic status, country of origin, disability, gender or gender identity, or under any other circumstance.

## What is Consent?

Consent is defined as permission to act. It may be given by words or actions, so long as those words or actions create clear, mutually understood permission to engage in (and express the conditions of) sexual activity. Consent may be withdrawn at any time. Consent must meet all of the following standards:

- **Active, not passive.** Silence, in and of itself, cannot be interpreted as consent. There is no requirement that an individual resist a sexual act or advance, but resistance is a clear demonstration of non-consent. In addition, what a person is wearing does not constitute consent.
- **Given freely.** A person cannot give consent under force, threats, or unreasonable pressure (coercion). Coercion includes continued pressure after an individual has made it clear that he/she does not want to engage in the behavior.
- **Provided knowingly.** A person must be able to understand the nature of the activity and give consent without limitation. As a result, consent to sexual activity cannot be given by:
  - A person under the legal age to consent (17 years old in Illinois), or
  - An individual who is known to be (or based on the circumstances should reasonably –be known to be) mentally or physically incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because he or she lacks the capacity to understand the “who, what, when, where, why, or how” of a sexual interaction. This includes a person whose incapacity results from mental disability, sleep, involuntary physical restraint, unconsciousness, use of alcohol or other drugs.
- **Specific.** Permission to engage in one form of sexual activity does not imply permission for another activity. Previous relationships or prior consent do not imply consent to future sexual acts. Consent to

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an act with one person does not mean consent applies to another person. It is the responsibility of the initiator of the act to receive permission for the specific act. As a result, consent should be requested and given several times by multiple parties during a sexual encounter involving multiple acts.

*(This information and the campus policy are adapted from the ATIXA Gender-Based and Sexual Misconduct Policy by the National Center for Higher Education Risk Management (NCHERM) and the Association of Title IX Administrators (ATIXA), 2011).*

## Criminal Activity

The following legal definitions are provided to assist in understanding when behavior that violates ICO policy may also violate federal or state law. If you believe you have been a victim of a crime, please consider taking action to preserve any evidence that may be helpful to you in pursuing legal or protective action. You have the right to pursue both the criminal and the campus processes to address incidents which may violate both the law and campus policy. The campus process is not designed to be a substitute for the criminal justice process.

a. **Sex Offenses**, defined by the FBI as any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent. This includes:

- **Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** the touching of the private 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.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent

b. **Domestic Violence:** As defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)), domestic violence means a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim,
- A person with whom the victim shares a child in common,
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

c. **Dating Violence:** As defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)), dating violence means violence committed by a person who is or has been in a social relationship of

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a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

d. **Sexual Assault**, defined in the State of Illinois as “Sexual penetration by force or threat of force or an act of sexual penetration when the victim was unable to understand the nature of the act or was unable to give knowing consent.” (720 ILCS 5 Criminal Code of 1961 § 12-13) Illinois State Law defines sexual penetration as: “Any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.” (720 ILCS 5 Criminal Code of 1961 §12-12(f))

e. **Stalking:** Section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) defines stalking as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. (For the purpose of this definition, “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. “Reasonable person” means a reasonable person under similar circumstances and with a similar identity to the victim.

## After an Incident

If you have experienced any act of sexual misconduct, our first concern is for your safety and well-being. Please consider the following:

- Get to a safe place where you feel as physically and emotionally safe as possible.
- If you are not sure what to do or where to start, call the 24-hour confidential Chicago Rape Crisis hotline at 888-293-2080 or RAINN’s hotline at 800-656-HOPE.
- Seek medical attention for any physical injuries, potential pregnancy, or potential sexually transmitted diseases. You can visit the health center on campus, a local emergency room, or seek off-campus medical assistance. The community resources in this Guide can assist you with finding medical care and possible financial assistance.
- If you have experienced behavior that may also be a violation of law, it is important that you consider preserving any evidence, even if you are not sure yet if want to file a formal complaint. This can help you later to prove that a criminal offense occurred, and can also help you in obtaining a civil protection

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order. This kind of exam can be done at a hospital and involves collecting evidence and photographs. As difficult as it may feel at the time, it is most helpful if you can get evidence collected quickly – before you eat, drink, shower, use the bathroom, etc. The locations closest to the ICO campus where you can obtain an exam like this are at Northwestern Memorial Hospital, University of Illinois Hospital, Rush Medical Center, or any hospital emergency room. If you need assistance to get to one of these centers, contact Chicago Rape Crisis Hotline at 888-293-2080.

- Contact ICO’s Title IX Coordinator at 312-949-7415, the Title IX reporting line at 312-949-7444, the ICO Compliance Line at 312-949-7225 and/or ICO Campus Security at 312-949-7633.
- If the College perceives there is an on-going threat to the campus community, a timely warning may be issued. In such a case, your name will be withheld as confidential from such a communication.
- If you would like to learn about your options for, and receive assistance in, changing academic, living, transportation, or work situations, contact the Title IX Coordinator. Examples of the kinds of things that can be done include, but are not limited to: changing to a different class section, completing a course via independent study, receiving escort service to your class or vehicle while on campus, and adjusting your work schedule. You can also learn about how to apply for a medical withdrawal, get questions answered about financial aid, and learn how to request protective measures on campus.

If a friend has experienced sexual assault or other sexual violence, keep these tips in mind:

- Listen. Be there. Do not be judgmental.
- Be patient. It will take some time for your friend to deal with what happened.
- Help empower your friend. Crimes of sexual violence (including dating violence, domestic violence, and stalking) take away a person’s power. It is important not to pressure your friend to do something he or she isn’t ready to do yet.
- Encourage your friend to report the crime to law enforcement. If there are questions about the process, you or your friend can call a hotline or get assistance from another resource.
- If your friend is interested and willing to get medical attention or report to the police, offer to accompany him/her or find safe transportation.
- Get help for yourself. You can speak with a confidential counselor and not share your friend’s name if you need help to be a support.

(Source: Adopted from RAINN: Rape, Abuse and Incest National Network, <http://www.rainn.org>)

## Confidential Support

As each person experiences and responds to these incidents in differing ways, there are a variety of options for support. Please review the information pertaining to your options for support, assistance, and reporting so that you can make an informed decision based on your personal needs. Your needs may change over time, so please also know that you may choose to utilize different forms of response at different times.

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If you are seeking immediate assistance in a crisis, contact the Chicago Rape Crisis Hotline through their 24-hour crisis hotline at 888-293-2080. You can visit <http://www.rapevictimadvocates.org/> to learn about how RVA can assist with crisis support, medical and legal advocacy, and counseling.

ICO offers confidential psychological support for students during school days through the Senior Director for Student Development. Located in 2721, you can call 312-949-7415 to schedule an appointment.

Employees looking for confidential assistance may also contact ICO's Employee Assistance Program, Lifeworks, at 877 234 5151, or visit [LifeWorks.com](http://LifeWorks.com).

## Orders of Protection

The following information explains how to pursue protective acts whose jurisdiction extends beyond the campus. To obtain one of the orders below, contact the courthouse for the area in which you live. If you would like assistance, or if you have other questions about civil orders of protection or no contact orders, please contact Campus Security at 312-949-7633 or your local police department

### *Civil Orders of Protection*

This is a court order that is designed to stop violent and harassing behavior and to protect you and your family from the abuser. They offer civil legal protection from domestic violence to both male and female victims, as well as minors. A civil order of protection can only be filed against certain persons with whom the petitioner has a special relationship with: people who are married or formerly married, people who are related by blood, people who live together or formerly lived together, people who are dating or formerly dated, people who are engaged or formerly engaged, and people with disabilities against their caregivers. There are three types of orders: Emergency and Interim Orders of Protection provide temporary, short-term protection. A Plenary Order of Protection offers longer term protection.

**Emergency Orders:** An emergency order can be obtained based solely on your testimony to a judge. The abuser does not need to be present. The judge must be convinced that you are in immediate danger, or experiencing emotional distress, or else the judge may not grant the order. The emergency order will last until you can have a full hearing for a plenary order, usually within 14-21 days.

**Interim Orders:** An interim order offers you a bit more protection than an emergency order. You do not need to have a full court hearing to be granted an interim order. They are often used to protect you in between the time when your emergency order expires and your full court hearing takes place. However, your abuser or his/her lawyer must have made an initial appearance before the court OR the abuser must have been notified of the date of your court hearing, before you can be given an interim order. An interim order lasts for up to 30 days.

**Plenary Orders:** A plenary order of protection can be issued only after a court hearing in which you and the abuser both have a chance to tell your sides of the story. It provides the most protection and the longest-term

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protection. A plenary order may last up to two years, and there is no limit on the number of times an order of protection can be renewed.

### *No Contact Orders*

If you do not have a relationship with the offender, you may seek to obtain a “no contact order.”

**A Civil No Contact Order (CNCO)** is a civil “stay away” order for crime victims who do not have a relationship with the offender. Under a CNCO, the court orders the offender not to have any contact with the victim. A CNCO may last up to two years.

**A Stalking No Contact Order (SNCO)** is a civil “stay away” order for victims of stalking who do not have a relationship with the offender. Under a SNCO, the court orders the offender not to have any contact with the victim. A SNCO may last up to two years.

Any violation of the above orders is a criminal offense and a Class A misdemeanor (up to one year in jail) and a 2nd offense or subsequent violation is a Class 4 felony (one to three years in jail and possible fines).

## Interim Campus Action

### *Interim Action*

Interim action can be imposed on campus while an investigation is occurring. Forms of interim action can vary from a campus no-contact order, reassigning an individual to a different course, adjusting a work schedule, limiting access on campus, and interim suspension or ban from campus. Interim action that maximizes the ability for all parties involved to continue their education/work on campus, while minimizing adverse effects will be sought. Many forms of interim action can be utilized even if you do not want to seek disciplinary action against a person. For more information, contact the College's Title IX Coordinator.

### *Campus No-Contact Orders*

A campus no-contact order is a directive issued by a campus authority that prevents contact between persons or from one person to another. Such an order may be issued through the formal reporting process (i.e. Student Affairs or Human Resources) or under the direction of a Title IX Coordinator. This may apply to communications in-person, online, and other forms of contact, both on- and off-campus. It is important to note that this is different than a civil order, which is issued by a court. A campus no-contact order may be issued as a sanction or outcome, and may also be issued on an interim basis while an incident is under investigation or adjudication. It is important to note that the burden of proof for a campus no-contact order is often less than that required for a court issued order, and the consequences for violating it are also limited to action that can be taken by the College, such as an additional student conduct charge of failure to comply with a College official.

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## Community Resources

The following additional resources are not managed by ICO but may be helpful to you, especially in assisting you with a variety of needs that you may have beyond your campus experience.

### *Chicago*

Rape Victim Advocates

<http://www.rapevictimadvocates.org/>

Chicago Rape Crisis Hotline: 1-888-293-2080

RAINN Hotline: 1-800-656-HOPE

Porchlight

<http://www.porchlightcounseling.org/>

773-750-7077

### *State*

**Illinois Coalition Against Sexual Assault**

217-753-4117

[www.icasa.org](http://www.icasa.org)

### *National*

**National Domestic Violence Hotline:**

800-799-SAFE (7233)

## Reporting Options

This section provides written notice of the resolution process, including rights and options available to victims/survivors/persons affected by sexual misconduct. Individuals may choose to seek action or assistance both on-campus as well as through the surrounding community. If you would like to see action occur because of a person's behavior, you may wish to report the misconduct at some level. Additional or interim remedies may also be provided concurrently and/or in lieu of an investigation or formal process. The following situations are examples of reasons why you might choose to report an incident of misconduct:

- To seek formal action against someone, such as removing them from a class or the campus
- To educate the person about their behavior

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- To confront the individual and make your voice heard about how you feel about what happened
- To make the College aware of the behavior in case it is part of a larger pattern
- To receive assistance in changing classes or other on-campus arrangements
- To receive support in coping with a situation

*There are two types of reporting available to you at the College:*

1. **Confidential Reporting** in which your identity is kept confidential (with few exceptions) by a designated official on the ICO Confidential Message Line 312-949-7225, the ICO Title IX line at 312-949-7444 or by the Chicago Rape Crisis Hotline at 888-293-2080
2. **Formal Reporting** in which you wish to file a formal report with Campus Security, Human Resources, and/or Student Affairs and pursue the College’s investigation and resolution process (this means your identity will be known to the accused individual)

## Confidential Reporting

If you wish that your identity and the details of an incident be kept confidential, there are some resources available to you: our Senior Director for Student Development, or off-campus rape crisis resources can maintain this level of confidentiality.

*You may wish to consider this option if you:*

- Would like to know about support and assistance, but are not sure if you want to pursue formal action against the individual, or
- Have questions or would like to process what happened with someone without involving police or those responsible for campus disciplinary procedures
- Do not want the person(s) who harmed you to know that you are seeking help or support

The following campus resources are considered confidential, which means that they can assist you without disclosing your personal identity to others at the College. The only exceptions to this are 1) concern for imminent danger or 2) sexual abuse of a minor. As we want to address campus concerns of sexual violence or harassment, these campus offices may still report to the Title IX Coordinator(s) if they perceive that there are patterns of harassment or violence occurring in certain locations or groups within the campus. In those cases, your personal identity will not be shared. The confidential resources on campus are:

- Senior Director for Student Development: 312-949-7415

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You can also report to Chicago Rape Crisis Hotline at 888-293-2080 to obtain support off-campus. Chicago Rape Crisis will not share your identity with ICO, but has the same obligation as the resource above to report if there is a concern for imminent danger.

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, ICO Campus Security Department can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the College.

### *What about anonymous reporting?*

If you would like to report an incident but remain anonymous, you can do so using the College's Title IX hotline number 312-949-7444 or our Compliance hotline at 312-949-7225. You can report anonymously by not leaving your name and contact information. The College will still investigate the situation to the best of its ability without your involvement beyond filing the initial reporting form.

## Formal Reporting

As ICO wishes to investigate and address gender-based and sexual misconduct, you are encouraged to make formal reports of incidents so that they may be investigated and addressed. This is considered official notice to the institution. By reporting formally, you have the right to expect to have your report be taken seriously by the institution and to have a fair, prompt, and impartial investigation and resolution occur. During this time, only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, the accused individual(s) and advisor(s), the Title IX Coordinator, or other such persons involved in the processes. All proceedings will be conducted by College officials who receive annual training on sexual/gender-based misconduct, including how to conduct investigations and resolutions that protect the safety of victims and promote accountability. Please be aware that if you file a formal report, your name and the relevant reported information may be known to the individual.

You may file your formal report with our Title IX Coordinator, or one of our "responsible employees" who are required to share with the Title IX Coordinator all information regarding sexual misconduct for which they are aware, including the identities of the parties if known. At ICO, "responsible employees" include:

- The Title IX Team
- Faculty Club advisors
- RA's

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- ICO Campus Security Officers (and their work study students)

*You may wish to consider this option if you:*

- Would like action taken by the ICO, such as the individual facing campus conduct or employment action if he/she is found responsible for violating ICO policy
- Would like ICO to be aware of the situation in case it happens again

In addition, if you believe you have been a victim of a crime, you have the option to report to law enforcement – both on-campus and to local law enforcement within your community; to be assisted by ICO Campus Security in notifying local law enforcement; or to decline to report the incident to law enforcement.

To file a formal complaint, complete the online incident report. Write as much information as you know and feel comfortable writing. This report is submitted directly to the College’s Title IX Coordinator. You will then be contacted for a follow up interview – this usually occurs within the next College business day. You can bring a person to support you to that interview as well as any other part of the investigation and resolution process.

Reporting Considerations

- Victim alcohol or drug use. ICO seeks to remove any barriers to reporting sexual misconduct. ICO will offer limited immunity to the individual reporting to protect them from being charged with policy violations related to the personal ingestion of alcohol or other drugs. ICO may recommend education or therapeutic remedies for those individuals.
- False reporting. A reporting party who makes a report that is later found to be intentionally false or made maliciously without regard for the truth will be subject to disciplinary action. This does not apply to reports made in good faith, even if the fact alleged in the report is not later substantiated in the investigation.
- Third Party Reporting. Any individual may make a report of sexual misconduct. The report may be made without disclosing the identities of the involved parties. However, ICO’s ability to respond to a third party report may be limited by the amount of information provided.

## Resolution Process

### *Resolution of Complaints*

ICO takes all reports seriously, and conducts investigations and resolution procedures that are designed to be private and to respect the rights of all involved parties. Both the complainant and the accused/respondent will have equitable opportunities during the investigation and resolution process, including:

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- Opportunity to be accompanied by an advisor of your choosing during any meeting or proceeding related to the resolution process (including investigation meetings)
- Opportunity to review and respond to the relevant information in the case
- Be informed in writing of the relevant outcomes of the proceeding, including any appeal procedures
- Be notified if there has been an appeal and to offer any additional information for consideration through the appellate process
- Be informed of any changes to the outcome(s) as a result of an appeal, and when the outcomes are considered final (i.e. no further opportunity for appeal)

Because of the serious and sensitive nature of these incidents, all investigations and resolution procedures will be conducted by persons who have training on the issues related to dating violence, domestic violence, stalking, and sexual assault. These individuals also recognize how to conduct an investigation and resolution process that protects the safety of victims/survivors/persons who have been harmed and promote accountability. The procedures are also designed to provide a fundamentally fair process that treats all parties with respect.

## Investigation Process

Once a formal complaint is filed or when ICO has official notice of an incident, a campus investigation will begin. If a law enforcement investigation is also occurring, the campus investigation may temporarily be placed on hold if it could jeopardize the criminal investigation process. The campus investigation and resolution process will not wait for the outcome of a criminal proceeding since the campus policy, possible outcomes, and standard of proof are different than the criminal and legal standards. If the incident also appears to be a violation of the law, you may request that the police and ICO take a formal report together to promote a more efficient process for you; however, please be aware that the standards and outcomes of a campus disciplinary process and the criminal process are different and this may not always be possible.

Investigations are typically conducted by the ICO Title IX Investigators and are referred to the Behavior Intervention Team for action.. The Title IX Coordinator(s) are kept informed throughout the investigation to ensure appropriate oversight.

If the College has notice about alleged misconduct that may threaten the health or safety of the campus or any members of its community, ICO reserves the right and has the obligation to initiate a complaint and/or investigation. During any investigation or disciplinary process, appropriate interim remedies may also occur such as campus no-contact orders, adjusting class schedules, or limiting/prohibiting access to campus. Investigations are maintained as private and information is only revealed if necessary to ensure adequate investigation occurs. Both the complainant and the accused (respondent) have equitable opportunities to have a support person present at all investigation and resolution meetings. At the conclusion of the investigation, the

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investigator will provide an investigation summary which will include a finding as to whether or not the alleged misconduct occurred. Investigations are generally completed within 60 days, but the timeframe depends on the circumstances of the case. When evaluating whether misconduct occurred, the standard of evidence used will be a “preponderance of the evidence” or “more likely than not.”

Investigations can also occur at the discretion of the Title IX Coordinator, such as when there are anonymous referrals, unknown perpetrators, or concerns for climate or cultural issues that may foster a harassing environment.

## Process When the Accused is the Student

In situations where gender-based or sexual misconduct by one or more students is alleged, the investigation is usually conducted by the ICO Title IX Investigators . Essentially, the complainant and the respondent (as well as any witnesses) are interviewed separately. An investigation summary is completed, which includes all relevant information from the investigation. This report is given to the Behavior Intervention Team for adjudication along with a finding of responsibility based on the information. The complainant and respondent can each (separately) view the summary and provide written response to it. The summary and any responses are forwarded to a Behavior Intervention team) to review and issue a final decision about both finding of responsibility and any sanctions. These decisions may be appealed by the respondent or complaint. Appeals are generally heard by the VP for Student Alumni and College Development, or a designee. Any questions about this process can be directed to the College’s Student Affairs Office.

## Process When the Accused is an Employee

In cases where gender-based or sexual misconduct by one or more employees (including adjunct faculty and contracted employees) is alleged, the investigation is usually conducted by the ICO Title IX investigators . Essentially, the complainant and the respondent (as well as any witnesses) are interviewed separately. An investigation summary is completed, which includes all relevant information from the investigation. This report is given to the Behavior Intervention Team for adjudication along with a finding of responsibility based on the information. The complainant and respondent can each (separately) view the summary and provide written response to it. The summary and any responses are forwarded to a Behavior Intervention team to review and issue a final decision about both finding of responsibility and any sanctions. These decisions may be appealed by the respondent or complaint. Appeals are generally heard by the VP for Administration, or a designee. Any questions about this process can be directed to the College’s Human Resources Office. Once the investigation is completed, the investigation report is provided to the VP for Administration who notifies the complainant and the respondent of the findings of the investigation. Disciplinary procedures for employees are subject to the terms in the respective employee manual.

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## Addressing Behavior of Third Parties

When the accused party is not an ICO student or employee, ICO will do its best to maintain a harassment-free environment. This can include things like banning someone from the campus, providing additional monitoring and education, or reporting the incident to another school or community law enforcement agency that has jurisdiction over the individual's behavior.

## Outcomes: Sanctions, Consequences, and Remedies

Students found responsible for violating the sexual and gender-based misconduct policy may face sanctions up to and including expulsion and a ban from accessing the campus. Other sanctions include: warning, disciplinary probation, suspension, and educational activities.

Employees found responsible for violating the sexual and gender-based misconduct policy are subject to discipline, up to and including termination. Other consequences for employees include verbal warning, written warning, and suspension without pay. While ICO generally utilizes a progressive discipline system for employees, suspension, dismissal, or termination of employment may result as the first step for more serious offenses, as determined by the VP for Administration.

In addition to consequences for individuals, there may be additional outcomes for student organizations, areas of campus, and offices/departments where concerns or patterns have been identified. These outcomes can include additional education, monitoring, or proposed policy or procedural changes.

## Retaliation

Retaliation as a result of this policy or its procedures is not tolerated. Any individual who retaliates against a student or employee for filing a complaint or participating in an investigation or disciplinary process shall also be subject to disciplinary action. Individuals reporting in good faith are granted amnesty in the event that reporting the incident might expose their own violation of College policy by coming forward to report.

## Records: Privacy of Information

Records will be maintained in accordance with employee and student conduct recordkeeping practices, which are designed to maintain the privacy of information. Public information (such as annual crime statistics or alerts) will not contain any identifying information about a victim. Throughout the process, information will only be shared with those that have a legitimate "need to know" the information, as directed by the Title IX Coordinator. The institution will protect your privacy to the extent that we can, so long as that does not impair our ability to provide interim measures/accommodations, investigate your formal complaint, or maintain safety of the campus community.

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## Training for Employees

The individuals involved in the investigation and resolution procedures all receive annual training to ensure that the process protects the safety of victims and promotes accountability for individuals who violate College policies. To that end, the Title IX Coordinator, the VP for Compliance and the VP for Administration, the Behavior Intervention team and any other persons designated to investigate or adjudicate cases all receive training on the following:

- Training or experience in handling sexual violence complaints
- Training or experience in the operation of the school's grievance procedures
- Information on working with and interviewing persons subjected to sexual violence
- Information on particular types of conduct that would constitute sexual violence, including: same-sex sexual violence
- Information on consent and the possible role of drugs or alcohol in the ability to consent
- The importance of accountability for persons found to have committed sexual violence
- The need for remedial actions for the perpetrator, complainant, and school community
- The effects of trauma, including neurobiological change
- Cultural awareness training regarding how sexual violence may affect students differently depending on their cultural backgrounds
- How both trauma and defense mechanisms can play out in a hearing
- Dispelling common misperceptions about sexual assault in society (e.g., "rape myths")

## Education and Resources

It is the responsibility of all of us to educate ourselves about sexual assault and to stop it from happening in our homes, on our campus, in our community, and in our society. This section of the website includes prevention and education opportunities for students, faculty, and staff who want to end sexual violence in our communities.

The responsibility of preventing crimes of sexual violence lies with the person initiating sexual behavior, as that is the person who has the power to stop what he or she is doing. With this in mind, these are things to consider when initiating sexual activities:

- Sexual assault, rape, domestic violence, and dating violence are crimes and violations of ICO policy. As such, being found responsible for such a violation can result in a maximum sanction of expulsion from ICO (for students) and termination of employment (for employees). Additionally, criminal charges could be brought forward as well as civil litigation within the court system.

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- Because crimes of sexual violence are crimes of power and control, the most important thing to consider when engaging in sexual behavior is the CONSENT of the other person involved. Only a person’s consent gives one the right to engage in sexual contact with the other person.

## Resources

- [Not Alone: The White House Resource on Campus Sexual Assault](#)
- [It's On Us](#): Take the pledge to stop sexual assault
- [National Sexual Violence Resource Center](#)
- Office on Violence Against Women's [Changing our Campus Culture](#)

## Risk Reduction Strategies

Although the responsibility of prevention truly lies with the offender, there are things that all individuals can be aware of, and do, that may help reduce their risk of being a victim of a crime. These are not guarantees of safety, nor does failure to do one of these things mean that someone is at fault for being sexually assaulted, stalked, or otherwise victimized:

- You have the right to your own values, attitudes and beliefs about sexual behavior and relationships in general. Therefore you have the right to determine the type of interactions and activities you feel comfortable with and to end those activities at any time.
- While there is no perfect profile of someone who will be sexually violent, there are some common warning signs. These include:
  - Domineering, overly controlling actions
  - A tendency to disregard your feelings and desires
  - The expression of hostility or dominance toward potential partners
  - The belief that certain actions entitle one to sex with another person
  - Intrusion into your personal physical space
  - Touching you in a way that makes you feel uncomfortable
- No one is ever entitled to sex. You are not obligated to perform sexual acts as payment, as a favor, or in order to be a “real man” or a “good woman.”
- Alcohol is a frequently used and highly effective rape facilitating drug. It affects each person’s ability to make decisions, set boundaries, and engage in sexual activities differently. Keep track of how much you drink, and consider some of these tips in relation to alcohol consumption:
  - You have the right not to drink alcohol at any time.
  - If you feel pressure to drink, you can keep a beer can in your hand without drinking from it frequently.

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- Alternate water with each alcoholic beverage and eat prior to and while drinking.
- You have the right to say no to any sexual activity at any time for any reason. When you feel that your personal rights are being threatened, you have every right to take a stand and let the offending party know that what he/she is doing is unwelcome. This includes if you have started activities and you no longer wish to pursue them.
- If you go to larger parties, bring friends with you and check in regularly. Make plans ahead of time for how to get home, and who will remain sober throughout the night in case any emergency arises.
- Having your own transportation gives you a degree of power to leave a situation, if you see the need to.
- While using social media, such as Facebook or Twitter, be mindful of the type of information you provide, including your address or phone number, and whether you are at home or away. Review and update your privacy settings regularly.
- If you wish to pursue sexual activity with someone, consider discussing your boundaries prior to engaging in physical activity together so you have a clearer understanding of each other's preferences. If you decide to engage in sexual activity shortly after meeting someone, you may not have as great of an understanding of each other yet, which means you both may need to seek further clarification as you communicate.

(Source: Adapted from Bowling Green State University's 2014-2015 Student Handbook)

## Bystander Intervention

Every person has a role in stopping sexual violence from occurring on our campus and in society. If you observe a concerning situation, you may have the ability to intervene in a safe and positive way to change the outcome of a situation. A key goal of bystander intervention is to step in early – before the situation escalates to violence. These are the basic steps of bystander intervention in the form of taking action:

### *Notice what is happening.*

The first step in bystander intervention is being attentive to what is happening around you. This is especially important in high-risk situations, such as large parties, where alcohol is present, at concerts/bars with loud noise or in other environments that might otherwise perpetuate high-risk behaviors. If you are in a larger group or with friends, it is often easy to assume that if no one else thinks there is a problem, then maybe there isn't. Instead, be willing to be the one to pay attention and to think for yourself as to whether or not an intervention can be helpful.

### *Consider whether the situation warrants your action.*

Even situations that don't seem serious may benefit from your action. The goal is to intervene well before there is a problem, not once a violent act has started. For example, if you notice a friend who is drinking a lot of alcohol, raising his voice, and saying he wants to "get laid, no matter what", this could be an indication of high

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risk behaviors. If you hear someone yell or you see someone who is intoxicated and being hit on by someone else, you might be able to step in.

### *Decide if you have a responsibility to act.*

You might have formal responsibility to act (such as if you are a team captain or if you are a student leader), or you might have informal responsibility to act (such as if others look to you as a role model, or if you are often the leading voice in your friend group). As an individual and member of our campus community, you also have a responsibility to act with integrity and to look out for fellow people, regardless of how good of friends you are.

### *Choose what form of action/assistance to use.*

Forms of assistance can vary depending on the situation. Examples include:

- Stepping in directly and engaging both parties
- Separating the individuals
- Calling an authority
- Getting help from other friends
- Diverting someone from the situation
- Creating a distraction
- Changing the subject

### *Implement the intervention safely.*

Ultimately you have to intervene in a safe way so that further threats do not occur, and so that any safety concerns are minimized. You might have an initial intervention followed by a follow-up conversation later after any feelings have calmed down. This is also why it is important to step in through conversations early, rather than having to look to more intrusive action if a situation escalates.

(Source: Adopted from Darley and Latane, 1968)

## Transgender Information

Transgender is a term used to describe individuals whose gender identity differs from the sex the doctor marked on their birth certificate. Gender identity is a person's internal, personal sense of being a man or a woman, or of being someone whose gender exists outside of one of those two ideas. For transgender people, the sex they were assigned at birth doesn't match their internal gender identity. Transgender includes a range of identities, including: transgender, transsexual, and genderqueer. Trying to change a person's gender identity doesn't work, just like trying to change a person's sexual orientation doesn't work. This means transgender people may seek to bring their bodies more into alignment with their gender identity, and/or may define

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themselves outside of the two boxes that society has constructed for male and female. The best thing to do is ask a person how they identify and to utilize those words.

ICO offers toilet rooms that are not gender-specific in the following locations:

- 1<sup>st</sup> and 2<sup>nd</sup> Floor of Brady Hall
- 2<sup>nd</sup> Floor Library- Academic Administration Area

New information will be added to this site to assist transgender students in learning about on campus resources, and to assist faculty/staff in learning about the needs of our transgender students. In the meantime, please review these external resources:

- Human Rights Campaign [Transgender Resources](#)
- [GLAAD Tips for Allies of Transgender People](#)
- University of Wisconsin-Madison's [Gender Pronouns Guide](#)
- Campus Pride's [Best Practices to Support Transgender Students](#)

## Information for Faculty

Title IX is part of the Higher Education Act of 1965 which is a federal mandate with implications for all College employees, including full time faculty and adjunct faculty. Failure to comply with Title IX can result in violations of students' and employees' civil rights, a loss of students' financial aid money, and lawsuits and federal investigations. Faculty members at ICO have a unique role because they are often the only trusted adults with whom students may interact on a frequent basis, making them likely to learn about incidents of sexual misconduct and discrimination. At the same time, ICO students are likely to see faculty as responsible adults who have the authority to assist them or address concerns.

### *What are my responsibilities as a member of the ICO Community?*

First, you must be familiar with ICO's policy on sex discrimination. If you interact with a student or employee who has experienced discrimination or harassment, you should respond in a caring manner. You also are **required** to report incidents of sexual harassment that you observe, or that are reported to you by students or others, to the Title IX Coordinator(s). This applies whether the incidents happen on or off-campus, and whether they involve students, employees, visitors to campus, or others. Finally, you can help ICO reduce the risk of discrimination by utilizing resources and promoting education about this important issue.

Given the nature of our campus, faculty can help ensure that ICO meets its legal mandates to educate *all* students about the campus policy, what constitutes consent, how to report incidents, and how to reduce the risk of sexual violence. Please be assured that you are not expected to be an expert on the policy, nor are you expected to provide counseling to help a student who has been traumatized. But, you should know

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how to contact the Title IX Coordinator(s), and you should comply with directions from them when needed to provide interim or permanent remedies under Title IX.

Following these five principles will enable you to do your part to help ICO be compliant with [Title IX](#) and other relevant state and federal laws, such as the [Violence Against Women Act](#), the [Clery Act](#), and the [Illinois Preventing Sexual Violence in Higher Education Act](#).