

Tricoci University of Beauty Culture
Sex Discrimination, Sexual Harassment & Sexual
Misconduct Policy

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I. STATEMENT OF NON-DISCRIMINATION & TITLE IX

Tricoci University of Beauty Culture University (“Tricoci University” or “University”) prohibits any form of discrimination and harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital or family status, medical condition, genetic information, veteran status, disability, or other protected classes in any decision regarding admissions, employment, or participation in a Tricoci University program or activity in accordance with the letter of federal, state, and local non-discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age and Discrimination in Employment Act, the Age Discrimination Act of 1975, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, the [Illinois Human Rights Act](#) as well as the [Illinois Preventing Sexual Violence in Higher Education Act](#). To view Tricoci University’s full statement on non-discrimination, see Tricoci University’s Student Catalog.. The prohibition against harassment and discrimination includes perceived protected characteristics in addition to actual characteristics.

Tricoci University also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled.

Tricoci University has designated the Title IX Coordinator to coordinate its compliance with Title IX and VAWA and to respond to reports of violations. Tricoci University has directed the Title IX Coordinator to coordinate the University’s compliance with the Clery reporting related to VAWA requirements. The University will promptly and equitably respond to all reports of sex discrimination and sexual harassment in order to eliminate the prohibited conduct, prevent its recurrence, and redress its effects on any individual or the community.

II. POLICY STATEMENT

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Tricoci University is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all University community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. The University does not discriminate on the basis of sex in any education program or activity operated by the University including, but not limited to, admissions, employment, recruitment, compensation, as well as access to facilities, classes and schools, employment assistance to students, health and insurance benefits and services, and fringe benefits. The University is required by Title IX and the regulations thereunder not to discriminate in such a manner.

This Sex Discrimination, Sexual Harassment & Sexual Misconduct Policy (“Policy”) provides detailed information on how to report sex discrimination, sexual harassment, and sexual misconduct to the University and outlines the University’s response to such reports.

For additional information or inquiries about the application of Title IX and the regulations thereunder, contact Tricoci University's Title IX Coordinator and/or the Assistant Secretary of the United States Department of Education.

The contact information for the United States Department of Education, Office for Civil Rights regional office is as follows:

Office for Civil Rights,
Chicago Office
U.S. Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: (312) 730-1560
Facsimile: (312) 730-1576
[Email: OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the complainant believes was discriminatory. There is no time limit for making a report to Tricoci University. You can find OCR complaint forms at:

<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

III. TITLE IX COORDINATOR

All educational institutions subject to Title IX must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX of the Education Amendment of 1972, which prohibits sex discrimination in education programs and activities. These designated employees are generally referred to as Title IX Coordinators.

The following person has been designated as the Title IX Coordinator at Tricoci University:

Emilie Boyce
Title IX Coordinator, Director of Compliance, ADA Compliance Coordinator
6625 N. Avondale, Chicago, IL 60631
Phone: 630-528-3373
Email: eboyce@tricociuniversity.edu

The Title IX Coordinator is responsible for responding to reports of sex discrimination, sexual harassment, and sexual misconduct on behalf of the University. The Title IX Coordinator's responsibilities include, but are not limited to:

- Receiving the required training in relevant state and federal laws and the University’s policies and procedures;
- Advising an individual, including a complainant, third-party reporter, or respondent, about the University’s policies and procedures related to sex discrimination, sexual harassment, and sexual misconduct as well as explaining courses of action available at the University and the courses of action available externally regarding any such incidents, including reporting to law enforcement;
- Receiving incident reports of sex discrimination, sexual harassment, and sexual misconduct;
- Informing complainants of the availability of supportive measures;
- Informing complainants of the process for filing a formal complaint under Title IX;
- Offering supportive measures to complainants designed to restore or preserve equal access to the University’s education program or activity;
- Conducting Title IX investigations;
- Working with respondents to provide supportive measures, as appropriate;
- Coordinating the effective implementation of both supportive measures (to one or both parties) and remedies to a complainant as well as disciplinary sanctions which may be imposed upon a respondent after the formal complaint process;
- Handling other tasks and responsibilities as determined by the Title IX Coordinator.

IV. POLICY

A. SCOPE OF POLICY & GENERAL REPORTING INFORMATION

This policy applies to prohibited conduct (as defined in this policy) that occurs in a Tricoci University educational program or activity. There is no time limit for reporting allegations of sex discrimination, sexual harassment, and sexual misconduct, however, the University strongly encourages the prompt reporting of incidents to allow the institution to respond promptly and effectively. If the reported respondent is not a member of the Tricoci University community or is no longer associated with the University at the time of the report or at the time in which a resolution process is initiated, the University may be unable to conduct an investigation or take disciplinary action. The appropriate grievance or complaint process regarding a report will depend upon the form of prohibited conduct and status of the complainant at the University.

Tricoci University provides the following information on how to report sex discrimination, sexual harassment, and sexual misconduct to the University and outlines Tricoci University’s response to such reports.

Any person may experience sex discrimination, sexual harassment, or sexual misconduct, irrespective of the identity. Individuals are encouraged to report such incidents to the University. Any person, regardless of whether or not the person reporting the alleged incident is the person alleged to be victimized by the incident, may report sex discrimination, sexual harassment, or sexual misconduct to the Title IX

Coordinator. Reports may be made in person, by mail, by telephone, by email, or by any other means that result in the Title IX Coordinator receiving a person's written or verbal report.

Reports may be made at any time, including during non-business hours, by using the telephone number or email address or by mail to the office address listed for the Title IX Coordinator.

Emilie Boyce

Title IX Coordinator, Director of Compliance, ADA Compliance Coordinator

6625 N. Avondale, Chicago, IL 60631

Phone: 630-528-3373

Email: eboyce@tricociuniversity.edu

When the Title IX Coordinator receives a report (either written or oral) of sex discrimination, sexual harassment, or sexual misconduct, the Title IX Coordinator will contact the complainant to provide supportive measures. For more information about Supportive Measures, see Section V.

Upon receipt of a report or formal complaint (as defined in Section IV.D of this policy), the Title IX Coordinator will review the details of the alleged incident and conduct a preliminary assessment to determine which of the University's grievance procedures will be applied to address the report. Regardless of the type of incident, the University applies prompt and equitable grievance procedures to resolve complaints of sex discrimination, sexual harassment, and sexual misconduct. The University grievance procedures apply equally to all persons regardless of sex, gender, sexual orientation or gender identity.

Formal complaints of incidents of sexual harassment as defined under Title IX and this policy involving Tricoci University students or employees will be addressed using the Title IX Formal Complaint & Grievance Process as described in Section VI.C of this Policy.

Incidents of sex discrimination which do not involve sexual harassment as defined under Title IX will be addressed using the applicable Tricoci University disciplinary action policy. For incidents involving students, complaints will be addressed using the complaint process outlined in the Student Catalog. For incidents involving Employees, complaints will be addressed using the complaint process outlined in the Associate Handbook.

Incidents of sexual misconduct as will be addressed using the applicable Tricoci University disciplinary action policy. For incidents involving students, complaints will be addressed using the complaint process outlined in the Student Catalog. For incidents involving Employees, complaints will be addressed using the complaint process outlined in the Associate Handbook.

When possible, the Title IX Coordinator will notify the Complainant of which of the University's grievance procedures correspond to the alleged incident.

See Section VI.A. Reporting Sex Discrimination & Sexual Harassment to make a report of prohibited conduct.

B. JURISDICTION

Any person may experience sex discrimination, sexual harassment, or sexual misconduct anywhere. Therefore, any individual may report any incident to the Title IX Coordinator. However, Tricoci University's response to such incidents is dependent upon the location of the alleged incident.

The Title IX Formal Complaint & Grievance Process described in this policy must be applied when alleged incidents of sexual harassment as defined in Section IV.C occur in the University's own education program or activity as defined in Section IV.D of this policy and in the United States.

Alleged incidents of sexual harassment which occur outside of Tricoci University's own education program or activity (as defined in this policy) or outside of the United States are not covered under this policy. However, complainants are still encouraged to seek supportive measures in the event of prohibited conduct, regardless of where the incident occurred.

Tricoci University's jurisdiction extends to electronic, digital, and online sexual harassment which occurs in an education program or activity (as referenced in Section IV.D) in which Tricoci University exercises substantial control over the respondent and the context in which the harassment occurs. Factual circumstances of electronic, digital, and online sexual harassment will be analyzed on a case-by-case basis to determine the context in which the harassment occurred.

Electronic, digital, and online forms of sexual harassment under Title IX will be addressed using the Title IX Formal Complaint & Grievance Process outlined in Section VI.C of this policy.

For clarification regarding incidents which occur on-campus versus off-campus, see the definition of Education Program or Activity in Section IV.D of this policy.

The Illinois statute ([110 ILCS 155/ Preventing Sexual Violence in Higher Education Act](#)) applies to incidents of sexual violence, domestic violence, dating violence or stalking, regardless of where the incident occurs.

C. PROHIBITED CONDUCT

Tricoci University prohibits a broad spectrum of behavior, including sex discrimination, sexual misconduct, and sexual harassment.

Sexual harassment and sexual misconduct may also encompass criminal conduct under state and/or federal law. Additionally, sexual harassment and sexual misconduct under this policy may result in civil and/or administrative legal consequences.

The following conduct is specifically prohibited under this policy:

i. Sex Discrimination

Discrimination against an individual based on that person's sex, gender, gender identity or sexual orientation, and either:

1. Excludes an individual from an educational or employment opportunity or program at the University;
2. Denies an individual the benefits of an educational or employment opportunity or program at the University; or
3. Adversely affects a term or condition of the individual's employment, education, living environment or participation at the University.

Sex discrimination also includes conduct based on an individual's sex, gender, gender identity or sexual orientation that causes a hostile work or educational environment for the individual.

ii. Sexual Harassment

Sexual Harassment is a form of sex discrimination under Title IX. Title IX defines sexual harassment as conduct on the basis of sex that satisfies **one or more of the following three types of behavior**:

1. **Quid pro quo harassment**

A Tricoci University employee conditioning provision of an aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct..

2. **Denial of Equal Educational Access due to Severe, Pervasive, and Objectively Offensive Conduct**

Unwelcome conduct of a sexual nature determined by a reasonable person to be so **severe, pervasive and objectively offensive** that it effectively denies a person equal access to the University's education program or activity.

3. Sexual Assault, Dating Violence, Domestic Violence, and/or Stalking

Title IX Sexual Assault is defined in 20 U.S.C. 1092(f)(6)(A)(v). The term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The Uniform Crime Reporting System includes the following offenses as forcible or nonforcible sex offenses:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object or instrument, or oral penetration by a sex organ of another person, without the consent of the victim or where the victim is incapable of giving consent, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Attempted rape is included. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
- **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 their age or because of their 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.

Dating Violence: Violence committed by a person who is or has been in a social relationship of 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:

1. The length of the relationship
2. The type of relationship
3. The frequency of interaction between the persons involved in the relationship

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking: A course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Tricoci University is required under Federal Title IX regulations to respond to incidents of sexual harassment as stated above. Additionally, conduct outlined in the above definitions of sexual harassment may be considered a violation of Illinois law and subject to mandatory reporting and/or criminal investigation.

iii. Sexual Misconduct

Title IX Sexual Harassment, hostile environment harassment, sexual assault, dating violence, domestic violence, stalking, sexual violence, or sexual exploitation as defined here.

Sexual violence. Physical acts attempted or perpetrated against a person's will or when a person is incapable of giving consent. Sexual violence includes sexual assault.

Sexual exploitation. Taking non-consensual or abusive sexual advantage of another for his/her own benefit or advantage, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute Title IX sexual harassment. misconduct offenses.

D. DEFINITIONS OF RELEVANT TERMS

The following terms are related to the grievance process required under Title IX to address incidents of sexual harassment. The grievance process is described in Section VI.C. of this policy.

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment delivered to Tricoci University's Title IX Coordinator. Such notice may be written or verbal and includes reports sent to the Title IX Coordinator by mail, email, telephone call, in-person, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report.

Advisor: An individual who provides support, guidance, and/or assistance to the complainant or responding party throughout the investigation, hearing, appeals, and/or informal resolution process. Complainants and respondents have the right to select an advisor of their choice. Advisors may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them and who is available to the Party. Advisors are required during the Title IX hearing process. If a party does not have an advisor present at the hearing process, the University will provide the party with an advisor. Additional information about the role of advisors can be found in Section VI.C. of this policy.

Complainant: The individual who is the person impacted by an alleged violation of this Policy. A complainant may, but is not required to be, a student, employee, or other University community member. A Complainant may be referred to as a "party" under this Policy.

Consent: Verbal and/or non-verbal conduct or actions indicating clear, knowing, and voluntary permission to engage in sexual activity prior to and during sexual activity. Further considerations of consent includes the following:

- A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.
- A person's manner or dress does not constitute consent.
- A person's consent to past sexual activity does not constitute consent to future sexual activity.

- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- A person can withdraw consent at any time before or during sexual activity.
- Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual activity.

Incapacitation: When an individual lacks the capacity to give consent (i.e., to understand the “who, what, when, where, why, or how” or their sexual interaction).

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs. A person violates this Policy if they engage in sexual activity with someone they know to be, or should know to be, physically or mentally incapacitated.

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Education Program or Activity: All of the operations of Tricoci University, which may be on or off campus, as well as locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which an incident of sexual harassment occurs. Additionally, any buildings owned or controlled by student organizations which are officially recognized by Tricoci University are also considered to be part of the University's education program or activity.

Tricoci University's education program or activity also extends to operations which include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University.

Formal Complaint: A document that initiates the Title IX grievance process outlined in Section VI.C of this policy against a respondent alleging Title IX sexual harassment. A formal complaint must be filed by the complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an education program or activity at the University. A formal complaint may be a document or electronic submission sent via email that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint.

Submission of a formal complaint to the University is not equivalent to filing charges with local law enforcement and does not require a complainant to file charges with local law enforcement. For more information about reporting incidents of sexual harassment to local law enforcement, see Section VI.A. Reporting Sex Discrimination, Sexual Harassment & Sexual Misconduct.

Official with Authority: Employees who may institute corrective action under this Policy. The following employees are an official with authority: Chief Executive Officer and Chief Operating Officer.

Report: Notice, either written or oral, provided to the Title IX Coordinator of an alleged incident of sex discrimination, sexual harassment, or sexual misconduct. Any person, regardless of whether or not the

person reporting the alleged incident is the person alleged to be the victim the incident may report sex discrimination, sexual harassment, or sexual misconduct. Reports may be made to the Title IX Coordinator in person, by mail, by telephone, by email, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report.

Reports may be made at any time, including non-business hours, by using the telephone number, email address, or by mail to the office address listed for the Title IX Coordinator. A report is distinguished from a formal complaint as defined above.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent may be referred to as a "party" under this Policy.

Responsible Employee: Employees who have been given the duty of reporting incidents of sexual violence or any other misconduct by members of the University community (students, staff, faculty, guests, visitors) to the Title IX Coordinator or other appropriate University designees, or whom a reporting party could reasonably believe have this authority or duty. Responsible Employees who receive information or a report about any act that potentially constitutes sexual harassment must further report that information to the Title IX Coordinator. The following employees of the University are Responsible Employees: Campus Directors, Student Success Advisors, Regional Directors of Operation, and other Officials with Authority (as defined above). In addition, Responsible Employees are expected to make every effort to explain their duty to report to anyone disclosing, or about to disclose, information to them.

Standard of Evidence - Preponderance of the Evidence: The standard used to determine if a Title IX policy violation occurred. The University uses a "preponderance of evidence" standard, which means that the evidence demonstrated in the grievance process demonstrates that it is more likely than not that the alleged conduct or policy violation occurred.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Tricoci University's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures are described in further detail in Section V of this policy.

E. ADDITIONAL INFORMATION

Alcohol and Drug Amnesty Provision

Tricoci University provides amnesty to any student who reports or provides information, in good faith, related to alleged violations of this policy. The reporting or participating student(s) will not receive a disciplinary sanction by the University for a student conduct violation, such as underage drinking, that is revealed in the course of a report. The University may find, however, that education or other non-disciplinary actions are appropriate.

Confidentiality

Tricoci University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, sexual harassment, or sexual misconduct, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination or sexual harassment, any respondent, and any witness, except as may be permitted by the FERPA statute or regulations, 20 U.S.C. 1232g and 34 CFR part 99, or required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Disciplinary Sanctions

Respondents found responsible for sexual harassment as defined in this policy may be subject to disciplinary sanctions at the conclusion of the grievance process. For more information about disciplinary sanctions, see the Tric Student Catalog and/or Employee Manual.

Disciplinary sanctions range from warning to expulsion (student) or termination (employee) from the University, depending on the severity of the incident and taking into account any previous disciplinary violations. The range of possible sanctions includes, but is not limited to:

- Verbal warning
- Written warning
- Final warning
- Suspension from school/employment
- Termination of enrollment/employment

False Accusations

Tricoci University prohibits parties, including complainants, respondents, and witnesses, from knowingly making false statements or knowingly submitting false information during the grievance process.

The University reserves the right to charge an individual with a Code of Conduct or Staff & Faculty Handbook violation for making a materially false statement in bad faith during the course of the grievance process. Such charges do not constitute retaliation on behalf of the University against the individual as the individual has violated the University's policy.

Remedies

Remedies are provided to the complainant and designed to restore or preserve their equal access to the University education program or activity. Remedies may be the same individualized services as described

in Section V. as Supportive Measures. However, remedies do not need to be non-disciplinary or non-punitive and do not need to avoid burdening the respondent.

Remedies may include, but are not limited to:

- Guidance in identifying external counseling services and assistance in setting up an initial appointment
- Imposition of an on-campus “no-contact” order
- Rescheduling of exams and assignments
- Change in class schedule, including the ability to transfer course sections or withdraw from a course without penalty
- Additional remedies, which can be tailored to the complainant to achieve the goals of this policy.

The Title IX Coordinator is responsible for implementation of any remedies.

Retaliation

Tricoci University prohibits any person from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because an individual has sought advice concerning a violation of the Title IX policy, made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and its implementing regulations.

This retaliation provision may apply to any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, any witness, or any other individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing of the University’s Title IX grievance process. This policy includes protecting the complainant, respondent, and witnesses from being coerced, intimidated, threatened, or otherwise discriminated against based on their participation or refusal to participate in the Title IX grievance process.

Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct or Staff & Faculty Handbook violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations.

Charging an individual with a Code of Conduct or Staff & Faculty Handbook violation for making a materially false statement in bad faith in the course of the grievance process does not constitute retaliation. However, a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith. A complainant’s allegations may not have been false even where the ultimate determination is that the respondent is not responsible and/or that the complainant may not have acted subjectively in bad faith (and conversely, that a respondent may not have made false, or subjectively bad faith, denials even where the respondent is found responsible).

Exercising rights protected under the First Amendment does not constitute retaliation.

The parties have the right to discuss the allegations under investigation, but this right does not preclude the University from warning the parties not to discuss or disseminate the allegations in a manner that constitutes retaliation or unlawful tortious conduct. It is unacceptable for any person to leak or disseminate information to retaliate against another person.

Complaints alleging retaliation may be filed with the University's Title IX Coordinator, which will be handled using the prompt and equitable grievance procedures available for non-sexual harassment sex discrimination complaints by students and employees, as referenced in the University's nondiscrimination policy or code of student conduct/student catalog.

V. SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant and respondent without unreasonably burdening the other party.

Supportive measures are designed to:

- Restore or preserve equal access to the party's education at Tricoci University;
- Protect the safety of all parties or the University educational environment; or
- Deter sexual harassment.

Tricoci University's Supportive Measures include, but are not limited to:

- Counseling services
- 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 location
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Other similar measures as necessary

Tricoci University will offer supportive measures to every complainant when the Title IX Coordinator receives a report of an incident of sex discrimination, sexual harassment, or sexual misconduct. Examples of a report may include written or oral reports submitted by a complainant, Responsible Employee, anonymous reporting party, third-party reporter, or other University community member.

Upon receiving a report of an alleged incident of sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and explain the option for filing a formal complaint under Title IX as well as the Title IX grievance process. The complainant will have the opportunity to express what they would like in the form of supportive measures, and the Title IX Coordinator will take into account the complainant's wishes in determining which supportive measures to

offer. Supportive measures will be available to complainants regardless of whether or not they wish to file a formal complaint to initiate a grievance process.

Supportive measures remain available to the complainant before and after filing a formal complaint of sexual harassment as well as when no formal complaint has been filed.

Supportive measures may remain in place throughout an appeal process.

Tricoci University adheres to Federal Title IX regulations, which require the equitable treatment of complainants and respondents. Equitable treatment under Title IX includes providing supportive measures and remedies for complainants and avoiding disciplinary action against respondents until the formal grievance process as outlined in this policy is completed. While respondents will be offered supportive measures, Title IX does not require equality or parity with respect to the supportive measures provided to complainants and respondents.

Confidentiality & Supportive Measures: The University will keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. For example, where a no-contact order is appropriate, the respondent would need to know the identity of the complainant in order to comply with the no-contact order, or campus security is informed about the no-contact order in order to help enforce its terms. For more information about confidentiality during the Title IX grievance process, see Section IV.E. Confidentiality.

In order for the University to provide supportive measures to the complainant, the University must know the identity of the complainant. Therefore, it is not possible for the complainant to remain anonymous and receive supportive measures because at least one school official (such as the Title IX Coordinator) must know the complainant's identity in order to offer and implement any supportive measures. A complainant or third party may desire to report sexual harassment without disclosing the complainant's identity—and may do so using the reporting options detailed in Section VI.A. of this policy—but the University will be unable to provide supportive measures in response to the report without knowing the complainant's identity.

Implementation of Supportive Measures: The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Although supportive measures may require collaboration with various Departments on campus, the Title IX Coordinator will serve as the point of contact for complainants and respondents.

EMERGENCY REMOVAL

The University reserves the right to remove a respondent from a Tricoci University education program or activity without undergoing a grievance process on an emergency basis in the event that the University undertakes an individualized safety and risk analysis and 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.

In the event of emergency removal, the University will provide the respondent with post-removal notice and the opportunity to challenge the decision immediately following the removal.

ADMINISTRATIVE LEAVE

Tricoci University reserves the right to place a non-student employee respondent on administrative leave during the pendency of a grievance process outlined in this policy.

SUPPORT SERVICES

In addition to reporting the matter to the Title IX Coordinator or an employee, persons may also need to address immediate physical and/or emotional trauma associated with the harassment or assault. Importantly, a victim should contact any of the following immediate care support providers:

For a link of professional resources in a specific zip code, as well as a list of professional agencies, please use: <https://findahealthcenter.hrsa.gov/>

- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse, Incest National Network: <http://www.rainn.org/>
- National Domestic Violence Hotline: 1-800-799-7233
- Center for Changing our Campus Culture: changingourcampus.org

PRESERVATION OF EVIDENCE

Seeking medical care is important, regardless of whether you choose to report to the police. Medical attention will provide for physical exam, treatment and collection of any evidence of the assault. It is important to remember:

- Sexual assault can result in injury or illness that you may not immediately see or feel. It is important that you seek appropriate medical care promptly.
- Resist the urge to change clothes, bathe, douche, eat, drink or brush your teeth.
- Bring a change of clothes with you when you go to the emergency room. Your clothing will be kept as evidence.
- Do not go to the bathroom, if possible.

This is so that physical evidence can be collected and preserved. You do not need to decide immediately following an assault whether you want to pursue legal action but if you save the evidence, it offers you more options in the future when you are better able to decide. The staff at Passavant Hospital and on campus at the Chesley Health and Wellness Center are trained to collect and save this type of evidence for you, should you decide to use it in pursuing legal action in the future.

VI. PROCEDURES

A. REPORTING SEX DISCRIMINATION, SEXUAL HARASSMENT & SEXUAL MISCONDUCT

Any person may report an incident(s) of sex discrimination, sexual harassment, or sexual misconduct to the Title IX Coordinator. The reporting party may be the person directly affected by the alleged incident (referred to as “complainant”) or a third party. Reports of sex discrimination, sexual harassment, and sexual misconduct may be written or verbal and may be made at any time (including non-business hours) in person, by using the telephone number or email address, or by mail to the office address, of the Title IX Coordinator.

The Tricoci University Title IX Coordinator contact information is as follows:

Emilie Boyce

Title IX Coordinator, Director of Compliance, ADA Compliance Coordinator

6625 N. Avondale

Chicago, IL 60631

Phone: 630-528-3373

Email: eboyce@tricociuniversity.edu

When the Title IX Coordinator receives notice through a report (either written or oral), complaint, or formal complaint of an alleged incident of sex discrimination, sexual harassment, or sexual misconduct, the Title IX Coordinator will promptly contact the complainant to:

1. Discuss the availability of supportive measures, as defined in Section V. of this policy;
2. Consider the complainant’s wishes with respect to supportive measures;
3. Inform the complainant of the availability of supportive measures with or without filing a complaint or formal complaint;
4. Explain to the complainant the:
 - i. Tricoci University’s procedures for handling non-sexual harassment sex discrimination;
 - ii. Process for filing a formal complaint under Title IX, as outlined in Section VI.C of this policy; and/or
 - iii. Process for filing a complaint under the applicable disciplinary action policy.

The Title IX Coordinator will conduct a preliminary assessment of the report or formal complaint to assist the complainant in determining which grievance process or procedures the complainant may initiate. For more information about the Preliminary Assessment, see Section VI.B of this policy.

Note: If a report submitted by a third party does not contain the identity of the reporting party but does contain the identity of the complainant, upon receipt of the report, the Title IX Coordinator will contact the

complainant to offer supportive measures and explain the process for filing a formal complaint. However, if a report does not contain the identity of the complainant, Tricoci University will be unable to contact the complainant to offer supportive measures. While the Title IX Coordinator will keep confidential the complainant's identity (unless disclosing the complainant's identity is necessary to provide supportive measures for the complainant, such as issuing no-contact orders), the Title IX Coordinator must know the identity of the complainant to offer such supportive measures.

In addition to reporting an incident of sex discrimination or sexual harassment to the Title IX Coordinator, individuals have the following reporting options:

Reporting to a Responsible Employee

A person may report an alleged incident of sex discrimination, sexual harassment, or sexual misconduct to an Tricoci University Responsible Employee, as defined in Section IV.D. of this policy. Responsible Employees must report the alleged incident to the Title IX Coordinator or appropriate University designees. After a Responsible Employee reports an incident of sex discrimination, sexual harassment, or sexual misconduct to the Title IX Coordinator, the Title IX Coordinator may contact the complainant about the alleged incident.

Confidential Employees [IL LAW]

If you wish to report a violation of this policy but would like your information to remain confidential you may choose to report to your Campus Director or Student Success Advisor.

These employees have a confidentiality privilege to protect the personal identification of you and can fulfill their reporting requirements by making general reports for statistical purposes and pattern tracking, but do not divulge personally identifiable information. Please note that if you report to a confidential employee and request confidentiality, your information will not be shared with the Title IX Coordinator and an investigation will not be initiated.

Confidential Advisors [IL LAW]

Tricoci University maintains a list of individuals who are specifically trained professionals who are available to survivors, or those who know a survivor, to answer questions, provide information, and help navigate the options available at the University as well as in the local community.

Confidential advisors can fulfill their reporting requirements by making general reports for statistical purposes and pattern tracking, but do not divulge personally identifiable information. Please note that if you report to a confidential advisor and request confidentiality, your information will not be shared with the Title IX Coordinator and an investigation will not be initiated.

Anonymous Reporting

Tricoci University permits anonymous parties to report alleged incidents of sex discrimination and/or sexual harassment by telephone or by mail to the office of the Title IX Coordinator.

If the anonymous report contains the identity of the complainant, upon receipt of the report, the Title IX Coordinator will contact the complainant to offer supportive measures and explain the process for filing a formal complaint. However, if the anonymous report does not contain the identity of the complainant, the University will be unable to contact the complainant to offer supportive measures. While the Title IX Coordinator will keep confidential complainant's identity (unless disclosing the complainant's identity is necessary to provide supportive measures for the complainant, such as issuing no-contact orders), the Title IX Coordinator must know the identity of the complainant to offer such supportive measures.

Reporting to Local Law Enforcement

An individual may decide to report an incident exclusively to the University, exclusively to local law enforcement, or to both the University and local law enforcement.

University employees will assist the reporting party in contacting local law enforcement, if explicitly requested by the reporting party. However, reporting an incident of sexual harassment or sexual misconduct to the University does not in any way equate to reporting the incident to local law enforcement.

Contact information for local police departments:

In case of emergency, call 911.

List of Police Non-Emergency Phone Numbers, by Tricoci University of Beauty Culture location:

Bloomington, Indiana: 812-339-4477

Bridgeview, Illinois: 708-458-2131

Chicago Northeast, Illinois: 311

Chicago Northwest, Illinois: 311

Elgin, Illinois: 847-289-2700

Glendale Heights, Illinois: 630-260-6070

Highland, Indiana: 219-838-3184

Indianapolis, Indiana: 317-327-3811

Janesville, Wisconsin: 608-757-2244

Lafayette, Indiana: 765-807-1200

Libertyville, Illinois: 847-362-8310

Normal, Illinois: 309-449-8010

Peoria, Illinois: 309-673-4521

Rockford, Illinois: 815-966-2900

Urbana, Illinois: 217-384-2320

Should an individual report an incident of sexual harassment or sexual misconduct to both the University and local law enforcement, the University will comply with law enforcement requests for cooperation. Such cooperation may require the University to temporarily suspend its own investigation into the alleged incident while local law enforcement gathers evidence. During this time, the University will continue to

offer supportive measures to the complainant. As soon as local law enforcement or the University determines that a delay is no longer necessary, the University will promptly resume its Title IX investigation.

Tricoci University policy, definitions, and standard of proof differ from state criminal law. Neither law enforcement's determination whether to prosecute a respondent nor the outcome of any criminal prosecution will determine whether sexual harassment has occurred under this University policy. Proceedings under this policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

In addition to the foregoing, all faculty and staff who become aware of or suspect sexual abuse of a minor (under the age of 17) must report that information to the Title IX Coordinator who shall then inform local, state and/or federal law enforcement officials of such incident as required by law.

B. PRELIMINARY ASSESSMENT

Upon receiving a report or formal complaint of an alleged incident of sex discrimination, sexual harassment, or sexual misconduct, the Title IX Coordinator will conduct a preliminary assessment to determine Tricoci University's response using the following threshold criteria:

First, the Title IX Coordinator must determine if:

1. The incident occurred in Tricoci University's own education program or activity, as defined in Section IV.D. of this policy; and
2. If the incident occurred in the United States.

If the alleged incident did not occur in a Tricoci University education program or activity and the United States, the alleged incident is not covered under this policy. However, the conduct may be addressed under other University policies such as the Student Catalog or Associate Handbook.

If the alleged conduct occurred in a Tricoci University education program or activity and in the United States, the Title IX Coordinator will then assess if the incident will be considered "sexual harassment" under Title IX, as defined in Section IV.C. of this policy.

The Title IX Coordinator will determine if the alleged conduct is considered to be:

- Quid pro quo harassment (involving a Tricoci University employee);
- Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a Tricoci University program or activity; or
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking;

If the alleged incident may constitute sexual harassment under Title IX, as defined above, the complainant may initiate the Title IX Formal Complaint and Grievance Process, as outlined in Section VI.C. of this policy.

If the alleged incident does not constitute sexual harassment under Title IX, then the Title IX Coordinator will assess the alleged incident to determine if it would be considered sex discrimination or sexual misconduct and respond accordingly:

1. Non-sexual harassment sex discrimination: Incidents of sex discrimination will be addressed using the Student Catalog (for incidents involving students) or the Associate Handbook (for incidents involving employees).
2. Sexual Misconduct: Incidents of sexual misconduct will be addressed using the complaint processes outlined in the Student Catalog (for incidents involving students) and/or Employee Manual (for incidents involving employees).

After conducting the assessment, the Title IX Coordinator will send a written notification of their preliminary assessment to the complainant.

The complainant may appeal the Title IX Coordinator's preliminary assessment of the alleged incident to the Tricoci University Chief Operations Officer, Dr. Elizabeth Cook within ten (10) calendar days of receiving written notice from the Title IX Coordinator. If a formal complaint is filed, the respondent may appeal the Title IX Coordinator's preliminary assessment to the Tricoci University Chief Operations Officer, Dr. Elizabeth Cook within ten (10) calendar days of receiving the notice of the complaint.

Regardless of whether an alleged incident is determined to constitute sexual harassment or sex discrimination, and regardless of whether or not the complainant files a formal complaint under Title IX, Tricoci University will provide supportive measures to the complainant. For more information about Supportive Measures, see Section V.

C. TITLE IX FORMAL COMPLAINT & GRIEVANCE PROCESS

i. Filing a Formal Complaint

Filing of a formal complaint of an alleged incident of sexual harassment under Title IX initiates the investigation and grievance process outlined in this policy.

Who Can File a Formal Complaint?

The complainant or Title IX Coordinator must file the formal complaint.

Third parties cannot file formal complaints. Additionally, fundamental fairness and due process principles require that a respondent be informed of the details of the allegations made against them, to the extent that the details are known, to provide an adequate opportunity for the respondent to respond. Therefore, a complainant cannot remain anonymous and file a formal complaint. However, the Title IX Coordinator will keep confidential the identities of the complainant and respondent (and witnesses) from anyone not involved in the grievance process, except as permitted by FERPA, required by law, or as necessary to conduct the grievance process. For more information about confidentiality, see Section IV.D. Confidentiality.

While a formal complaint requires the complainant's identity, Title IX does not require a complainant to identify the respondent in a formal complaint. If a complainant does not know the respondent's identity and files a formal complaint, Tricoci University is still required to investigate the formal complaint because an investigation may reveal the respondent's identity. If the respondent's identity becomes known, the University will send both parties the written notice of allegations (as defined in this policy), follow the grievance process outlined in this policy, and may impose disciplinary sanctions against the respondent at the conclusion of the grievance process. However, if a respondent's identity remains unknown, the University will be unable to comply with the required grievance process outlined in this policy and therefore unable to impose disciplinary sanctions against the respondent.

Under certain circumstances, the Title IX Coordinator may determine that an investigation is necessary, even when the identity of the complainant is unknown or the complainant does not want an investigation. In this case, the Title IX Coordinator may choose to sign a formal complaint and initiate the grievance process. When this occurs, the Title IX Coordinator is not a complainant or otherwise considered a party included in the grievance process. The alleged victim will remain the complainant and be treated as a party in the grievance process. However, the complainant is not required to participate in the grievance process.

How to File a Formal Complaint?

Formal complaints must be in writing and may be submitted in person, by mail, or by email to the Title IX Coordinator, whose contact information is listed in Section III. of this policy. Formal complaints cannot be filed by telephone.

What is a Formal Complaint?

A formal complaint is a document or electronic submission (such as an email) that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the complaint.

A formal complaint alleges sexual harassment against a respondent and requests that Tricoci University investigate the allegation of sexual harassment. Therefore, submitting a formal complaint indicates an intentional decision on behalf of the complainant to initiate the Title IX grievance process.

When Can a Formal Complaint be Filed?

There is no time limit on a complainant's decision to file a formal complaint, so the decision to sign and file a formal complaint does not need to occur in the immediate aftermath of an alleged incident or reporting an incident.

However, at the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an Tricoci University education program or activity.

Dismissal of a Formal Complaint

In accordance with Title IX, Tricoci University must dismiss the formal complaint of sexual harassment under Title IX if at any point during the investigation or hearing process it is determined that the conduct alleged in the formal complaint:

1. Would not constitute sexual harassment as defined under Title IX (defined in Section IV.C. of this policy), even if proven;
2. Did not occur in University education program or activity; or
3. Did not occur against a person in the United States.

Such dismissal does not indicate that a University policy violation did not occur. Therefore, the University may choose to address such incidents using the University Code of Conduct for incidents involving students of the Staff & Faculty Handbooks for incidents involving employees.

The University reserves the right to dismiss a formal complaint or allegations therein, if at any time during the investigation or hearing:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the University
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint (either as required or not), the University will promptly send a written notice of dismissal and reason(s) therefor simultaneously to both parties.

The complainant and respondent have the right to appeal the University's dismissal of the formal complaint or any allegations therein on several bases. For more information about the bases of appeal, see Section VI.C. of this policy.

Consolidation of Formal Complaints

Tricoci University may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

ii. Grievance Process for Formal Complaints of Sexual Harassment

GENERAL INFORMATION

The following grievance process complies with 34 CFR § 106.45 of Title IX. All processes, provisions, and rules stated in this policy apply equally to both parties—complainants and respondents.

Tricoci University will treat complainants equitably by providing the complainant and respondent with supportive measures throughout the grievance process, following the grievance process before imposing any disciplinary sanctions (or other actions that are not supportive measures) against a respondent, and providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against a respondent.

The University grievance process relies upon an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. The University applies the preponderance of the evidence standard, which means that the evidence presented and collected during the grievance process demonstrates that it is more likely than not that the alleged conduct or policy violation occurred. The University applies the same standard of evidence for formal complaints against students and employees, including faculty, and applies the same standard of evidence to all formal complaints of sexual harassment.

Determination of a party's credibility will not be based on a person's status as a complainant, respondent, or witness. The University presumes that the respondent is not responsible for the alleged conduct until a determination regarding responsibility at the conclusion of the grievance process.

The University does not require, allow, rely upon, or otherwise use questions or 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.

All University employees involved in the Title IX investigation and grievance process have received the appropriate training to participate in the Title IX grievance process, and training materials have been made publicly available on the University's website. Training topics include, but are not limited to, the definition of sexual harassment under Title IX, steps to conducting a Title IX investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of facts, conflicts of interest, and bias.

If a complainant or respondent considers the University's treatment of a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX, they may file a report of sex discrimination with the Title IX Coordinator.

CONFLICTS OF INTEREST

Tricoci University employees participating in the Title IX grievance process including the Title IX Coordinator, investigators, decision-makers, and informal resolution facilitators as well as external parties employed by the University to complete Title IX investigation and adjudication functions (hearings, appeals, and informal resolution options) are prohibited from having a conflict of interest or bias for or against complainants or respondents generally or against an individual complainant or respondent.

In an effort to avoid potential conflicts of interest, the University may provide the names and titles of internal and external Title IX investigators and adjudicators to the parties at the initiation of the investigation, informal resolution process, or hearing. Such information will be provided before any meeting or hearing between the party and the investigator or adjudicator. The complainant or respondent may request the removal of an investigator or adjudicator on the grounds of personal bias or other conflicts of interest by submitting a written statement to the Title IX Coordinator setting forth the basis for the request no more than two (2) calendar days after receiving notice of the identity of the individual involved in the Title IX grievance process. The Title IX Coordinator will review the written statement and make a determination if there is a conflict of interest. Appropriate steps will be taken to ensure that no conflict of interest exists on the part of anyone involved in the Title IX investigation, hearing, appeals, or informal resolution processes. If a conflict of interest exists, another individual will be assigned to the appropriate role. If a conflict of interest exists between the complainant or respondent and the Title IX Coordinator, reports should be directed to the University president.

TIMELINES FOR THE GRIEVANCE PROCESS

Tricoci University aims to complete the Title IX grievance process, including appeals and informal resolution processes, in a reasonably prompt time frame. Generally, the University strives to conclude the grievance process within one-hundred twenty (120) calendar days.

Process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of the party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

RIGHT TO AN ADVISOR

All parties are entitled to an advisor of their choosing to assist them throughout the Title IX grievance process. The advisor may be a friend, counselor, faculty member, family member, attorney or any other individual a party chooses to advise them who is eligible and available to serve during the grievance process. Any person who may be called as a witness may not serve as an advisor.

Parties are entitled to be accompanied by their advisor in all meetings, interviews, hearings, and appeals at which the party is entitled to be present during the grievance process. Parties are required to have an advisor present at the live hearing. If a party does not have an advisor available to be present at the live hearing, Tricoci University will provide the party with an advisor of the University's choice in the University's sole discretion, who may or may not be an attorney.

All advisors are subject to the same University rules whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting or interview. Advisors must conduct all cross-examination of the other party and all witnesses in a live hearing even in the event that the advisee is not present at the live hearing.

Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation.

Any advisor who fails to follow the guidelines established by the University in the grievance process will be provided an oral warning. If the advisor continues to disrupt or otherwise fails to follow those guidelines, the advisor will be asked to leave the proceeding. If an advisor is asked to leave, the meeting, interview, hearing or other proceeding will be suspended until the party advisor is reinstated; the party secures another advisor to accompany them at that meeting, interview, hearing or proceeding; or the University provides the party with another advisor for the hearing.

If an advisor is asked to leave a proceeding, the Title IX Coordinator will determine whether the advisor may be reinstated or must be replaced by a different advisor for the remainder of the grievance process.

The parties must advise the Title IX Coordinator of the identity of their advisor before the date of their first meeting with Title IX Coordinator and scheduled hearing. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with Tricoci University officials.

The grievance process for incidents of sexual harassment under Title IX is as follows:

a. Written Notice

Upon receipt of a formal complaint, Tricoci University will provide a written notice of allegations to both parties, if known, simultaneously. The notice includes the following information:

- A. Notice of the allegation of sexual harassment, as defined in Section IV.C. of this policy, containing sufficient details known at the time, including:
 - a. Identities of the parties involved in the incident (if known);
 - b. Conduct allegedly constituting a policy violation;
 - c. Date and location of the alleged incident (if known).
- B. Sufficient time for each party to prepare a response before any initial interview.
- C. Explanation of each party's right to an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may participate during the grievance process, subject to limitations established by the University. For more information about advisors, see Section VI.C. of this policy.
- D. Explanation of each party's right to inspect and review all evidence gathered during the investigation.

- E. Reference to the sections of this policy which prohibit knowingly making false statements or knowingly submitting false information during the grievance process.
- F. Statement that the respondent is presumed not to be responsible for the alleged conduct unless and until a determination of responsibility is final.
- G. Statement that a determination of responsibility will be made at the conclusion of the grievance process.
- H. Provide a copy of University Sexual Harassment Policy, which outlines the grievance process utilized to address alleged incidents of sexual harassment under Title IX.
- I. List of on-campus and off-campus support resources for complainants.

If, during the course of the investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the initial notice provided to the parties, the University will provide written notice of the additional allegations to the parties whose identities are known.

b. Investigation of Formal Complaints

Tricoci University is obligated to investigate formal complaints of sexual harassment. The University will complete the Title IX investigation generally within 90 calendar days. The University will inform the parties of the name and title of the assigned investigator in the written notices of allegations issued to the parties.

Role of Tricoci University & the Parties

During the investigation, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Tricoci University and not on the parties.

Both parties are provided with an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the grievance process. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The University is prohibited from accessing, considering, disclosing, or otherwise using 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 the University obtains the party's voluntary, written consent to do so for the grievance process outlined in this policy.

Participation of the Parties in the Investigation Process

The University will provide written notice to a party who is invited and expected to participate in any investigative interviews, hearings, or other meetings. This written notice will include the date, time, location, names of participants, and purpose of the meeting.

Parties may not attend interviews of any other party or witness or any meeting or hearing related to the investigation, unless invited and expected to participate by the University.

Prior to completion of the investigative report at the conclusion of the investigation, all parties have the opportunity to have not more than one other person present during any grievance proceeding, including the opportunity to be accompanied to any grievance-related meeting or proceeding by an advisor of their choice, who may be an attorney. A party may only be accompanied by their advisor during the live hearing. The University does not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding, including investigative interviews. However, the University reserves the right to establish restrictions regarding the extent to which the advisor may participate in the proceedings, which will apply equally to both parties. For more information about rights to an advisor, see Section VI.C. of this policy.

All parties and their advisors will be given an equal opportunity to inspect and review all evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility as well as inculpatory and exculpatory evidence, regardless of the source. The evidence subject to inspection and review will be provided either in electronic format or hard copy to the parties and their advisors, if any. The parties will have ten (10) calendar days to submit a written response regarding the investigation evidence. The investigator will consider the parties' responses prior to completion of the investigative report.

All of the evidence which was provided to the parties for inspection and review will be made available at any hearing related to the formal complaint to provide each party the equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The parties may submit any additional evidence prior to the investigator finalizing the investigative report with a copy provided to the other party and their advisor.

Investigative Report

The Title IX investigator will create an investigative report that fairly summarizes relevant evidence.

Upon completion, investigator will send the investigative report to each party and the party's advisor, if any, at least ten (10) calendar days prior to a scheduled hearing, in electronic format or hard copy. Upon review, the parties may submit a written response to the decision-maker not less than five (5) calendar days prior to the scheduled hearing, with a copy to the other party and their advisor. The other party may reply to the written response prior to or during the scheduled hearing.

The investigator may include recommended findings or conclusions in the investigative report, but the decision-maker is under an independent obligation to objectively evaluate relevant evidence in making a determination.

c. Hearing Process

Live hearings are a mandatory part of the Title IX grievance process. A single hearing officer or panel of hearing officers will act as the decision-maker(s) at Tricoci University Title IX hearings and must not be the same person as the Title IX Coordinator or investigator.

Live hearings may be conducted with all parties physically present in the same geographic location. In this instance, at the request of either party, the University will arrange for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and the parties to simultaneously see and hear the part or witness answering the questions.

The University also reserves the right to require or permit any or all parties, witnesses and other participants to appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other.

The University will create an audio recording, audiovisual recording, or transcript of any live hearing and make it available to the parties for inspection and review.

Both parties have the right to present relevant fact and expert witnesses as well as inculpatory and exculpatory evidence at the hearing. Any evidence not included in the investigation file should be provided to the decision-maker and the other party and their advisor no less than five (5) calendar days prior to the hearing.

Cross-Examination

During the live hearing, the decision-maker will permit each party's advisor to ask the other party and any witnesses any relevant questions and follow-up questions, including questions which challenge credibility. This is referred to as cross-examination.

Parties and witnesses will not be required to submit to cross-examination at the live hearing in order for their statements to be considered by the decision-maker(s). Therefore, any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The decision-maker(s) can rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility/non-responsibility. The decision-maker(s) may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from a live hearing or refusal to answer cross-examination or other questions.

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor, and cross-examination may never be conducted by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless: 1.) 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 2.) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Hearings & Advisors

Apart from the advisor's role in cross-examination, Tricoci University reserves the right to restrict the extent to which advisors may participate in the proceedings.

If a party does not have an advisor present at the live hearing, the University will provide, without fee or charge to that party, an advisor of the University's choice to conduct cross-examination on behalf of that party. The advisor may be, but is not required to be, an attorney.

d. Determination Regarding Responsibility

Following the live hearing, the decision-maker(s) will issue a written determination. To reach the determination, the decision-maker(s) will apply the preponderance of the evidence standard of evidence, as defined on in Section IV.D. of this policy.

The decision-maker(s) will issue the written determination to the parties simultaneously generally no more than twenty (20) calendar days after the conclusion of the live hearing. Copies will be sent to the parties and their advisors by email, certified mail, or overnight delivery service such as Federal Express, with receipt of acknowledgement.

The written determination will include the following information:

- A. Identification of the allegations potentially constituting sexual harassment, as defined in Section IV.C. of this policy;
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of University Code of Conduct, Staff & Faculty Handbooks, and/or this policy to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to [University] education program or activity will be provided by the University to the complainant; and

F. The University's procedures and permissible bases for the complainant and respondent to appeal.

The determination is final either:

1. On the date the University provides the parties with the written determination of an appeal, if an appeal was filed; or
2. The date for filing an appeal expires without an appeal having been filed.

e. Appeals

Either complainant or respondent may file a written notice of appeal of a determination or dismissal of a formal complaint within five (5) calendar days after receiving the written determination or notice of dismissal. The notice of appeal must be delivered to the Title IX Coordinator within such five (5) day period by email, personal delivery, certified mail or overnight delivery service.

A party may appeal from a) determination regarding responsibility, and b) Tricoci University's dismissal of a formal complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the process;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the process; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(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 process.
- D. The sanction is disproportionate with the violation.

The appeal decision-maker will be free of bias as well as conflict of interest and will not be the Title IX Coordinator, investigator involved in the investigation, or decision-maker who reached the determination regarding responsibility or dismissal. The appeal decision-maker will have received required training under Title IX.

The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties, including a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The appealing party must submit a statement to the appeal decision-maker in support of the appeal within five (5) calendar days of filing the notice of appeal with a copy to the other party and their advisor. Although the other party is not obligated to respond to the appealing party, should the other party wish to respond, the other party must submit a written response to the statement filed by the appealing party to the appeal

decision-maker within five (5) days of receipt of the appealing party's statement with a copy to the other party and their advisor.

The appeal decision-maker will issue a written decision simultaneously to both parties, describing the result and the rationale of the decision generally within ten (10) calendar days of receiving the final written statements from the parties.

f. Informal Resolutions

At any time prior to reaching a determination regarding responsibility, Tricoci University offers complainants and respondents informal resolution options such as mediation, restorative justice, or other forms of alternative dispute resolution, which do not involve or require a full investigation and adjudication (hearing process).

In order for the University to proceed with informal resolution options, the University will:

- A. Provide the parties with a written notice disclosing the following:
 - i. The allegations;
 - ii. The requirements of the informal resolution process, including the circumstances under which the informal resolution process would preclude the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - iii. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- B. Obtain voluntary, written consent from the parties to the informal resolution process

The University strives to complete the informal resolution process within 10 days of the decision to proceed with informal resolution.

The University is prohibited from offering informal resolution options in cases which involve a University employee's sexual harassment of a student.

The University is prohibited from requiring as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as outlined in this policy. Additionally, the University cannot require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint has been filed.

g. Recordkeeping

Tricoci University will maintain for a period of seven years the following records:

- A. Each sexual harassment investigation, including any determination regarding responsibility, the audio recording, audiovisual recording, or transcript of the hearing, any disciplinary sanctions imposed on the respondent, as well as any remedies provided to the complainant designed to restore or preserve equal access to the University's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators. Tricoci University will make these training materials publicly available on its website at:

For each response to a report or formal complaint of sexual harassment, the University will create and maintain for a period of seven years, records of any actions, including any supportive measures taken. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a complainant with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the circumstances.