

# Appendix B: Title IX: Sexual Misconduct Policy and Procedures

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## **TITLE IX: SEXUAL MISCONDUCT POLICY**

### **POLICY STATEMENT**

Chicago College of Oriental Medicine (“CCOM”) is committed to providing a learning and working environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. CCOM considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated. Sexual harassment, whether verbal, physical, or visual, that is based on sex is a form of prohibited sex discrimination. Sexual harassment also includes sexual violence and discrimination on the basis of pregnancy. The specific definitions of sexual harassment and sexual violence, including examples of such conduct, are set forth below.

### **SCOPE**

This policy applies to administrators, faculty, and other CCOM employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in CCOM’s educational programs and activities, including third-party visitors on campus (the “CCOM Community”). CCOM’s prohibition on sex discrimination and sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics and student services.

### **Amnesty for Student Misconduct**

CCOM recognizes that victims of sexual misconduct may hesitate to come forward out of fear that their own actions are violations of CCOM’s student conduct policies, including without limitation policies related to the use of drugs and alcohol. While CCOM does not condone violations of such policies, it considers reporting incidents of sexual misconduct to be of paramount importance. Therefore, in order to facilitate reporting and resolution of sexual misconduct, CCOM will extend immunity for any violation of CCOM’s student conduct policies, including without limitation policies concerning drug or alcohol possession or consumption, for conduct in which any victim of sexual misconduct might have engaged in connection with the reported Title IX incident. CCOM will do so provided, however, that such immunity will not be extended if CCOM determines that the violation of CCOM’s student conduct policies was egregious, involved any illegal activity, or involved violations that did, do, or may place the health or safety of any other person(s) at risk. Regardless of whether immunity applies, any individual’s participation and cooperation in a Title IX investigation may be considered as a mitigating factor when determining appropriate disciplinary measures for violations of CCOM’s policies in connection with the reported Title IX incident.

### **TITLE IX STATEMENT**

It is the policy of CCOM to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in CCOM’s educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex

discrimination. CCOM has designated certain officials to oversee compliance with Title IX.<sup>1</sup> Specifically, CCOM has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Title IX Coordinator

Bo Yang

Chicago College of Oriental Medicine

180 N. Wabash, Suite 801

Chicago, IL 60601

312-368-0900

Bo.yang@ccoom.org

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting:

<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>, or by calling: 1-800-421-3481.

## **SEXUAL HARASSMENT**

### **Definition of Sexual Harassment**

Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education;
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment.

### **Examples of Sexual Harassment**

Some examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos or sexual humor
- Obscene gestures
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Asking about, or telling about, sexual fantasies
- E-mail and Internet use that violates this policy
- Sexual violence (as defined below)

Further examples of sexual harassment may be found in the Frequently Asked Questions (see page 11 below).

### **Sexual Violence**

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<sup>1</sup> At the time of publication of this policy, the officials named serve in the roles identified. If during the course of the 2019-2021 year the officials leave their current employment role, the person who assumes their role also will assume their campus security authority related responsibilities. TBI updates this policy on an annual basis.

### The Definition of Sexual Violence

Sexual violence is a form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity or because of his or her youth.

### Examples of Sexual Violence

Some examples of sexual violence include:

- Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent
- Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation
- Prostituting another student or employee
- Non-consensual video or audio-taping of sexual activity
- Knowingly transmitting a sexually transmitted disease to another

Further examples of sexual violence may be found in the Frequently Asked Questions (see page 11 below).

### Sexual Misconduct

Collectively, sex discrimination, sexual harassment, and sexual violence will be referred to as "sexual misconduct" through the remainder of this policy and the complaint resolution procedures.

### Definition of Consent

Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.

### Domestic Violence, Dating Violence, and Stalking

The crimes of domestic violence, dating violence and stalking can also constitute a form of sexual misconduct when motivated by a person's sex. These crimes, no matter the motivation behind them, are a violation of this policy.

Domestic Violence - "Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a 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 or the victim under the domestic or family violence laws of the jurisdiction [...], 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.

For state law definitions covering domestic violence see: 750 ILCS 60/) Illinois Domestic Violence Act of 1986; also see <http://www.illinoisattorneygeneral.gov/women/idva.pdf>

Dating Violence - “Dating violence” means violence committed by a person:

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

For state law definitions covering dating violence see: 750 ILCS 60 - Illinois Domestic Violence Act of 1986; also see <http://www.illinoisattorneygeneral.gov/women/idva.pdf>

Stalking - “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

For state law definitions covering domestic violence see: 720 ILCS 5/12-7.3 (Stalking); 720 ILCS 5/12-7.4 (Aggravated Stalking) and 720 ILCS 5/12-7.5 (Cyberstalking); see also

<http://www.illinoisattorneygeneral.gov/women/IllinoisLawCanProtectYouFromStalking.pdf>

It is clear that bullying and harassment of LGBT or Gender Non-Conforming students, that is gender-based harassment, meaning harassment or bullying because a student does not conform to stereotyped notions of masculinity or femininity, is covered by Title IX.

## **ROLES AND RESPONSIBILITIES**

### **Title IX Coordinator**

It is the responsibility of the Title IX Coordinator to coordinate dissemination of information and education and training programs to: (1) assist members of CCOM community in understanding that sexual misconduct is prohibited by this policy; (2) ensure that investigators are trained to respond to and investigate complaints of sexual misconduct; (3) ensure that employees and students are aware of the procedures for reporting and addressing complaints of sexual misconduct; and (4) to implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures.

### **Administrators and Deans,**

It is the responsibility of administrators, and deans to:

- Inform employees under their direction or supervision of this policy
- Work with the Title IX Coordinator to implement education and training programs for employees and students
- Notify the Title IX Coordinator if they receive reports, witness, or otherwise learn of complaints of sexual misconduct.
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

### **All Employees**

It is the responsibility of all employees to review this policy and comply with it.

### **Students**

It is the responsibility of all students to review this policy and comply with it.

## **CCOM**

When CCOM is aware that a member of CCOM Community may have been subjected to or affected by

conduct that violates this policy, CCOM will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sexual misconduct. CCOM will act in accordance with its Procedures to Resolve Complaints under CCOM's Title IX Policy

## **COMPLAINTS**

### **Making a Complaint**

#### Faculty and Employees

All CCOM faculty and employees have a duty to report sexual misconduct to the Title IX Coordinator.

#### Students and Other Persons

Students who wish to report sexual misconduct should file a complaint with the Title IX Coordinator.

Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in Section III above.

#### Content of the Complaint

So that CCOM has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that CCOM may follow up appropriately. A complainant will be given a copy of the document titled "Explanation of Rights and Options After Filing a Complaint Under the Title IX: Sexual Misconduct Policy." (Last Page of this document)

#### Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sexual misconduct that also constitutes a crime—including sexual violence, domestic violence, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, CCOM will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

#### Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating Violence, or Stalking

If you are the victim of sexual violence, domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. When physical violence of a sexual nature has perpetrated against you, CCOM recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy. If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice

- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action
- requesting that no further action be taken

#### Vendors, Contractors, and Third-Parties

This policy applies to the conduct of vendors, contractors, and third parties. Persons who believe they have been subject to sexual misconduct in violation of this policy should make a complaint in the manner set forth in this section.

#### Retaliation

It is a violation of this policy to retaliate against any member of CCOM Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section.

#### Protecting the Complainant

Pending final outcome of an investigation in accordance with the Complaint Resolution Procedures, CCOM will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, transportation or work situation if options to do so are reasonably available (e.g., changes to academic schedule). Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator. CCOM will take all reasonable and legal action to implement the order.

#### Timing of Complaints

CCOM encourages persons to make complaints of sexual misconduct as soon as possible because late reporting may limit CCOM's ability to investigate and respond to the conduct complained of.

#### Investigation and Confidentiality

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures (see page 17 below), and CCOM will take disciplinary action where appropriate. CCOM will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, CCOM cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, CCOM will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, CCOM's ability to respond may be limited. CCOM reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to CCOM Community.

#### Resolution

If a complaint of sexual misconduct is found to be substantiated, CCOM will take appropriate corrective and remedial action. Students, faculty, and employees found to be in violation of this policy will be subject to

discipline up to and including written reprimand, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from CCOM programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

### **Bad Faith Complaints**

While CCOM encourages all good faith complaints of sexual misconduct, CCOM has the responsibility to balance the rights of all parties. Therefore, if CCOM's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

### **ACADEMIC FREEDOM**

While CCOM is committed to the principles of free inquiry and free expression, sexual misconduct is neither legally protected expression nor the proper exercise of academic freedom.

### **EDUCATION**

Because CCOM recognizes that the prevention of sexual misconduct, as well as domestic violence, dating violence, and stalking, is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

## **FREQUENTLY ASKED QUESTIONS**

### **What are some additional examples of sexual harassment?**

Sexual harassment is a form of prohibited sex discrimination. CCOM's policies protect men and women equally from sexual harassment, including harassment by members of the same sex. Staff, faculty, and students are protected from sexual harassment by any other staff, faculty, student, or contractor. Examples of kinds of conduct that constitute sexual harassment include, but are not limited to, the following:

- Engaging in unwelcome sexual advances
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails or text messages
- Telling unwelcome, sexually-explicit jokes
- Displaying sexually suggestive or lewd photographs, videos, or graffiti
- Making unwelcome and unwanted physical contact, such as rubbing, touching, pinching, or patting
- Making unwelcome and suggestive sounds, such as "cat calls" or whistling
- Commenting on a person's dress in a sexual manner
- Making sexual gestures
- Repeatedly asking someone for a date after the person has expressed disinterest
- Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
- Telling another person of one's sexual fantasies, sexual preferences, or sexual activities
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Using sexually explicit profanity

### **What should I do if I have been sexually harassed?**

CCOM encourages you to report sexual harassment as soon as possible. Ignoring sexual harassment does

not make it go away. And delayed reporting may limit CCOM's ability to investigate and remedy the sexual harassment.

If you are a student, you may report sexual harassment to the Title IX Coordinator. If you are the victim of sexual harassment that constitutes a crime, CCOM encourages you to also file a complaint with local law enforcement and to press charges.

You always have the option to directly confront the person that is harassing you. Sometimes, individuals are not aware that their behavior is offensive and quickly apologize and change their behavior once it is brought to their attention. However, you are not required or expected to confront your harasser prior to filing a complaint.

### **What are some additional examples of sexual violence?**

Sexual violence is a form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability. Examples of kinds of conduct that constitute sexual violence include, but are not limited to, the following:

- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Hazing that involves penetrating a person's vagina or anus with an object
- Use of the "date rape drug" to effect sexual intercourse or some other form of sexual contact with a person
- One partner in a romantic relationship forcing the other to have sexual intercourse without the partner's consent
- Exceeding the scope of consent by engaging in a different form of sexual activity than a person has consented to
- Gropping a person's breasts or groin on the dance floor or at a bar
- Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
- Coercing someone into having sexual intercourse by threatening to expose their secrets
- Secretly videotaping sexual activity where the other party has not consented

### **What constitutes "consent" for purposes of sexual violence?**

Lack of consent is a critical factor in determining whether sexual violence has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.

### **What should I do if I am a victim of sexual violence, domestic violence, dating violence, or stalking?**

Don't blame yourself. These crimes are never the victim's fault. Please contact the Title IX Coordinator as soon as possible for information on options and resources available to you. You may also wish to call local

law enforcement (911 if emergency), or the Chicago Rape Crises Hotline at (888) 293- 2080 and/or Rape Victim Advocates at (312) 443-9603. For more information about any of these services, please contact, the Title IX Coordinator.

If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital such as Northwestern at (312) 926-2000 or Stroger Hospital (Cook County) at (312) 864-6000, and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

**Can I make a complaint of sexual violence against my boyfriend or girlfriend?**

Anyone can commit sexual violence, even if you and that person are in a romantic relationship. The critical factor is consent. If your boyfriend or girlfriend perpetrates a sexual act against you without your consent, such conduct constitutes sexual violence, and you may make a complaint. This type of conduct and other types of conduct perpetrated by your boyfriend or girlfriend may also be classified as domestic violence or dating violence.

**What should I do if someone who is not a CCOM student or employee engages in sexual misconduct against me?**

CCOM's policies protect you from sexual misconduct perpetrated by vendors, contractors, and other third parties that you encounter in your CCOM learning and employment environment. If you believe that you have been subject to conduct that violates these policies, you should report the sexual misconduct just as if it were committed by a CCOM student or employee.

**What should I do if a student or CCOM employee engages in sexual misconduct against me but we are off campus?**

It is possible for off-campus conduct between CCOM employees or students to contribute to a hostile working or academic environment or otherwise violate CCOM's policies. You may make a complaint of sexual misconduct even if the conduct occurs off-campus.

**What should I do if I observe sexual misconduct, but it is not directed at me?**

Anyone that witnesses sexual misconduct, even if it is directed at someone else, can still feel uncomfortable and harassed. If you are a student and witness conduct that you believe constitutes sexual misconduct, please make a complaint in the same manner as if the conduct was directed against you. If you are an employee or staff member of CCOM, it is your duty to report conduct that constitutes sexual misconduct.

**What is the role of the Title IX Coordinator?**

The Title IX Coordinator oversees CCOM's compliance with Title IX and receives inquiries regarding Title IX, including complaints of sexual misconduct. The Title IX Coordinator has received special training on CCOM's policies and procedures pertaining to sexual misconduct, and is available to answer questions about those policies and procedures, respond to complaints, and assist you in identifying other resources to aid in your situation.

**If I make a complaint of sexual misconduct, will it be treated confidentially?**

CCOM will take reasonable and appropriate steps to preserve the confidentiality of the parties to the complaint and to protect the confidentiality of information gathered during the investigation. However,

CCOM has an obligation to provide a safe and non-discriminatory environment for all students and employees. Therefore, no unconditional promises of confidentiality can be provided. However, Rape Victim Advocates has confidential advisors, and are not employed by CCOM and hold professional's licenses requiring confidentiality.

**Who is typically involved in investigating a complaint of sexual misconduct?**

CCOM's Title IX Coordinator will be involved in investigating complaints of sexual harassment. The Title IX Coordinator may appoint another member of the staff to investigate and resolve the complaint. The process of gathering evidence will necessarily require the involvement of the complainant, the respondent, and any witnesses to the incident that gave rise to the complaint. In sum, it will involve those persons necessary to fairly and completely investigate the complaint and resolve it.

**What are the possible outcomes of an investigation into a complaint?**

The outcome will be determined based on the totality of the evidence using a preponderance of the evidence standard (i.e., it is more likely than not). If the preponderance of the evidence does not support a finding that the incident occurred, then the complaint is resolved in favor of the accused. If, however, the preponderance of the evidence supports that sexual misconduct occurred, the actions taken by CCOM will include those necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of CCOM community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, expulsion, or other appropriate institutional sanctions.

**May I have a support person/advisor with me in the investigation process?**

During the investigation process, both a complainant (i.e., the accuser) and a respondent (i.e., the accused) may ask a support person/advisor to accompany him or her at all stages of the process. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and he or she must agree to maintain the confidentiality of the process.

**What should I do if I am retaliated against for making a complaint of sexual misconduct?**

CCOM's Title IX: Sexual Misconduct Policy prohibits retaliation against any person for making a good faith complaint of sexual misconduct and/or cooperating in the investigation of (including testifying as a witness to) such complaint. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the underlying allegation of sexual misconduct. If you feel you are the victim of retaliation in violation of this policy, you should report the retaliation just as you would a complaint of sexual misconduct.

**How does CCOM handle a bad faith allegation of sexual misconduct?**

A bad faith allegation of sexual misconduct occurs when the accuser intentionally reports information or incidents that he or she knows to be untrue. Failure to prove a complaint of sexual misconduct is not equivalent to a bad faith allegation. CCOM may impose sanctions against an individual who knowingly makes false allegations of sexual misconduct.

**PROCEDURES TO RESOLVE COMPLAINTS UNDER CCOM'S TITLE IX POLICY**

**I. General Principles**

**Administration**

For purposes of these procedures, “Investigating Officer” means the Title IX Coordinator, and/or his or her designee. The Investigating Officer shall have responsibility for administering these complaint resolution procedures.

#### **Promptness, Fairness and Impartiality**

These procedures provide for prompt, fair, and impartial investigations and resolutions. The Investigating Officer shall discharge his or her obligations under these complaint resolution procedures fairly and impartially. If the Investigating Officer determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, the Investigating Officer shall designate another appropriate individual to administer these procedures.

#### **Training**

These procedures will be implemented by officials who receive annual training on the issues related to sexual misconduct, domestic violence, dating violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

#### **Investigation and Resolution of the Complaint Commencement of the Investigation**

Once a complaint is made, the Investigating Officer will commence an investigation of it as soon as practicable, but not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes sexual misconduct. During the course of the investigation, the Investigating Officer may receive counsel from CCOM administrators, CCOM’s attorneys, or other parties as needed.

In certain narrow circumstances, the Investigating Officer may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Investigating Officer will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant’s articulated concerns.

#### **Content of the Investigation**

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

#### **Support Person/Advisor**

During the investigation process, both a complainant and a respondent may ask a support person/advisor to accompany him or her at all stages of the process. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and he or she must agree to maintain the confidentiality of the process.

#### **Interim Measures**

At any time during the investigation, the Investigating Officer may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Title IX: Sexual Misconduct Policy.

#### **Pending Criminal Investigation**

Some instances of sexual misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, CCOM will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve CCOM of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, CCOM will proceed with its own investigation and resolution of the complaint.

### **Resolution**

At the conclusion of the investigation, the Investigating Officer will prepare a written report. The written report will explain the scope of the investigation, identify findings of fact, and state whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence.

If the written report determines that sexual misconduct occurred, the Investigating Officer shall set forth in an addendum to the written report those steps necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of CCOM Community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, expulsion, or other appropriate institutional sanctions.

The complainant and the respondent will receive a copy of the written report and any addendum within three (3) days of its completion. If necessary, the version of the addendum provided to the complainant and/or respondent will be redacted to ensure that information concerning any remedial and/or disciplinary measures is disclosed in a manner consistent with Title IX, the Family Educational Rights and Privacy Act (“FERPA”), and the Clery Act, as explained by the April 4, 2011 Dear Colleague Letter issued by the U.S. Department of Education. <https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-schools-ensuring-equity-and-providing-behavioral-supports-students-disabilities>

The written report of the Investigating Officer shall be final subject only to the right of appeal set forth in Section IV below.

### **Special Procedure Concerning Complaints Against The President/Chief Operating Officer, The Title IX Coordinator, Or Other Administrators Ranked Higher Than The Title IX Coordinator**

If a complaint involves alleged conduct on the part of CCOM’s President and Chief Executive Officer or CCOM’s Vice President, CCOM’s Governing Board will designate the Investigating Officer. Based on the information gathered by the investigation, the Governing Board will prepare and issue the written report determining the complaint. The determination of the Governing Board is final and not subject to appeal. If a complaint involves alleged conduct on the part of the Title IX Coordinator, CCOM’s President will designate the Investigating Officer. Based on the information gathered by the investigation, the President will prepare and issue the written report determining the complaint. The determination of the President is final and not subject to appeal.

### **Informal Resolution**

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. However, informal means may only be used with the complainant’s voluntary cooperation and the involvement of the Title IX Coordinator at the campus to which the complaint pertains. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the complainant may terminate any such informal means at any time. In any event, informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual

violence.

### **Timing of the Investigation**

CCOM will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) days.

### **Rights of the Parties**

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence
- Similar and timely access to all information considered by the Investigating Officer
- Equal opportunity to review any statements or evidence provided by the other party
- Equal access to review and comment upon any information independently developed by the Investigating Officer

### **Appeals Grounds of Appeal**

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- The decision was contrary to the substantial weight of the evidence
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer, would result in a different decision
- Bias or prejudice on the part of the Investigating Officer, or
- The punishment or the corrective action imposed is disproportionate to the offense

### **Method of Appeal**

Appeals must be filed with CCOM's President, Janice Parker, within ten (10) days of receipt of the written report determining the outcome of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the determination of the complaint, including corrective action if any
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any.

The appellant may request a meeting with the President, but the decision to grant a meeting is within the President's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity. The President may be contacted at:

Yili Guo  
President  
Chicago College of Oriental Medicine  
180 N. Wabash, Suite 801  
Chicago, IL 60601  
312.368.0900  
[yili.guo@ccoom.org](mailto:yili.guo@ccoom.org)

## **Resolution of the Appeal**

The President will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The decision of the President is final. The President shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Investigating Officer's previous written determination. The written statement shall be provided to the complainant, respondent, Title IX Coordinator within three (3) days of the resolution.

## **Documentation**

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator and the President as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.

## **Intersection With Other Procedures**

These complaint resolution procedures are the exclusive means of resolving complaints alleging violations of the Title IX: Sexual Misconduct Policy. To the extent there are any inconsistencies between these complaint resolution procedures and other CCOM grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging violations of the Title IX: Sexual Misconduct Policy.

## **Explanation of Rights and Options After Filing a Complaint Under the Title IX: Sexual Misconduct Policy**

The following information provides a short summary of your rights and options after filing a complaint.

### **I. General Information**

- It is extremely important that you preserve evidence as it may be necessary to prove the complaint you are making or needed to obtain a protection order. In the case of physical violence, including sexual violence, domestic violence, and dating violence, you should go directly to the emergency room and should not bathe, urinate, douche, brush teeth, drink liquids, or change clothes until after you are examined and, if necessary, a rape examination is completed.
- Once you have made a complaint, you have several options, including, but not limited to:
  - Contacting parents or a relative
  - Seeking legal advice
  - Seeking personal counseling
  - Pursing legal action against the perpetrator
  - Pursing disciplinary action
  - Requesting that no further action be taken
- If requested, the Title IX Coordinator will assist you in contacting local law enforcement regarding the incident. You may decline to notify such authorities.
- If you have obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, please provide such information to the Title IX Coordinator. The CCOM will take all reasonable and legal action to implement the order.

### **II. Institutional Procedures**

- CCOM's Title IX: Sexual Misconduct Policy:

- Will provide a prompt, fair, and impartial resolution of your complaint.
- It is carried out by CCOM officials who have received training on these issues and how to conduct an investigation and hearing process that promotes safety and accountability.
- Provides you and the accused the right to have a support person accompany you to all aspect of the investigation and resolution process. The support person may not advocate like an attorney would in court.
- Ensures that both you and the accused will be notified simultaneously in writing of the outcome of all stages of the process, including any appeals.
- Prohibits retaliation by the accused or anyone else against you for making a complaint.

**III. Possible Sanctions or Protective Measures**

- **Interim Measures:** At any time during the investigation, the Title IX Coordinator may impose interim remedies or protections for the parties or witnesses. These may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative living, class-placement, or workplace arrangements.
- **Sanctions:** If there is a finding that a violation has occurred, sanctions may include counseling or training, separation of the parties, and/or discipline of the respondent, including written reprimand, suspension, demotion, termination, or expulsion.

**IV. Confidentiality**

- If you request confidentiality or ask that a complaint not be investigated, CCOM will take reasonable steps to investigate and respond to the complaint consistent with the request. However, CCOM's ability to respond may be limited in such cases, and CCOM may not be able to grant such a request when the accused poses a continuing threat to the CCOM community.

**V. Options for Changing your Current Situation**

- Pending final outcome of an investigation, you may be allowed to change your academic, transportation, or work situation if options to do so are reasonably available. This may occur regardless of whether you choose to make a complaint to local law enforcement.

**VI. Resources Available**

- **Rape Victim Advocates (RVA) (312) 443-9603**
- [www.rapevictimadvocates.org](http://www.rapevictimadvocates.org)
- **Illinois Attorney General Helping Crime Victims Resource Webpage:**  
<http://www.illinoisattorneygeneral.gov/victims/links.html>
- **RAINN - Rape, Abuse & Incest National Network; 1-800-656-HOPE; [www.rainn.org](http://www.rainn.org)**
- **Northwestern at (312) 926-2000 or Stroger Hospital (Cook County) at (312) 864-6000, and take a full change of clothing, including shoes, for use after a medical examination.**