

Facility:	Illinois College of Optometry and Illinois Eye Institute
Policy:	ICO Title IX Policy 2025 revision
Effective/Revised:	
Review Dates:	2025

Title IX Policy

Illinois College of Optometry is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment and any conduct that prevents free academic interaction and opportunities or which creates an intimidating, hostile or offensive study or work environment.

This policy statement is directed specifically at complaints of sexual discrimination, including sexual harassment that is prohibited by Title IX of the Educational Amendments of 1972. Other types of harassment or discrimination (age, religious, national origin, disability or other protected status) are prohibited by applicable state and federal law or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies and will be addressed through ICO's more general Campus Conduct policies.

Glossary

- *Advisor* means a person chosen by a party or appointed by ICO to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that violates the Title IX Policy.
- *Complaint (formal)* means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging violation of the Title IX Policy.
- *Confidential Resources* here at ICO include the staff of UWILL (for students) or ComPsych (for employees).
- *Day* indicates a normal business day for ICO
- *Education program or activity* means locations, events, or circumstances where ICO exercises substantial control over both the Respondent and the context in which the alleged violation occurred. ^{(b)(6)}
- *Final Determination:* A conclusion by a preponderance of evidence proof that the alleged conduct occurred and whether it did or did not violate policy.
- *Finding:* A conclusion by a preponderance of evidence that the conduct did or did not occur as alleged.
- *Hearing Panel* refers to those who have decision-making and sanctioning authority within the ICO's Formal Title IX process.

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- *Investigator* means the person or persons charged by ICO with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or Team of the alleged occurrence misconduct.
- *Official Notification (Notification)* means that all communications in reference to Title IX proceedings will be conveyed via ICO issued email accounts or via hard copy through US Mail if the party does not have an ICO issued email address.
- *Parties* include both the Complainant(s) and Respondent(s).
- *Respondent* means an individual who has been reported to have committed alleged conduct that could constitute violation of this policy.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by ICO on a Respondent who is found to have violated this policy.
- *Sexual Discrimination* is “on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity”
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.
- *Title IX Coordinator* is at least one official designated by ICO to ensure compliance with Title IX and ICO’s Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

Title IX Team

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

Title IX Coordinator:

Michael R. Butz, Sr. Director of Compliance, Risk Mgmt. & Quality Improvement, 312-949-7311, Office 1211

Deputy Title IX Coordinators:

Beth Karmis, Asst. Dean for Student Success, 312-949-7415, Room 2721

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Milissa Bartold, Sr. Director for Strategy & Administrative Technology Mgmt., 312-949-7440, Office 2125
Sharif Terry, Director of Human Resources, 312-949-7043, Office 2534

Prohibited Behavior under Title IX

ICO prohibits all forms of sex based and sexual misconduct (including sexual harassment, stalking, domestic violence, dating violence and sexual assault) which unreasonably interfere with, deny, or limit someone’s ability to participate in or benefit from an ICO educational program, activity, or employment. This policy applies to behavior exhibited by students, employees, visitors, patients and any other person affecting the campus community. Violations of the policy may occur between individuals or groups of individuals of any sex. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Title IX prohibits any form of discrimination of individuals on the basis of sex. Prohibited behaviors are defined as:

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

- **Sexually Hostile Environment:** one or more behaviors that are severe, pervasive and objectively offensive and create an intimidating educational or employment environment,
- **Discrimination:** actions taken by a person in a position of authority at the College that deprive others of access, benefits, or opportunities based on irrelevant protected criteria
- **Quid pro quo:** an employee or student leader utilizing their position to coerce an individual to participate in unwanted sexual conduct

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

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

d. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of an individual to benefit anyone other than the person being exploited. Examples include invading privacy, video

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or audio recording of sexual acts without consent, knowingly transmitting a Sexually Transmitted Infection (STI), sexually based stalking or bullying, or exposing one’s genitals.

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

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

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

While supportive resources will always be made available to the complainant, Title IX limits ICO’s jurisdiction to include only complaints that occur within the US. The College is also limited to implementing the Title IX related complaint process for conduct that occurs on campus or in a program or activity in which ICO has control.

What is Consent?

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

- **Active, not passive.** Silence, in and of itself, cannot be interpreted as consent. There is no requirement that an individual resist a sexual act or advance, but resistance is a clear demonstration of non-consent. In addition, what a person is wearing does not constitute consent.
- **Given freely.** A person cannot give consent under force, threats, or unreasonable pressure (coercion). Coercion includes continued pressure after an individual has made it clear that he/she does not want to engage in the behavior.
- **Provided knowingly.** A person must be able to understand the nature of the activity and give consent without limitation. As a result, consent to sexual activity cannot be given by:

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- A person under the legal age to consent (17 years old in Illinois), or
- An individual who is known to be (or based on the circumstances should reasonably –be known to be) mentally or physically incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because he or she lacks the capacity to understand the “who, what, when, where, why, or how” of a sexual interaction. This includes a person whose incapacity results from mental disability, sleep, involuntary physical restraint, unconsciousness, use of alcohol or other drugs.

- **Specific.** Permission to engage in one form of sexual activity does not imply permission for another activity. Previous relationships or prior consent do not imply consent to future sexual acts. Consent to an act with one person does not mean consent applies to another person. It is the responsibility of the initiator of the act to receive permission for the specific act. As a result, consent should be requested and given several times by multiple parties during a sexual encounter involving multiple acts.

Criminal Activity

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

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

This includes:

- **Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** the touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent

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

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

c. **Dating Violence:** As defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)), dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

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

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

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After an Incident

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

- Get to a safe place where you feel as physically and emotionally safe as possible.
- If you are not sure what to do or where to start, call the 24-hour confidential Chicago Rape Crisis hotline at 888-293-2080.
- Seek medical attention for any physical injuries, potential pregnancy, or potential sexually transmitted diseases. You can visit the health center on campus, a local emergency room, or seek off-campus medical assistance. The community resources in this Guide can assist you with finding medical care and possible financial assistance.
- If you have experienced behavior that may also be a violation of law, it is important that you consider preserving any evidence, even if you are not sure yet if want to file a formal complaint. This can help you later to prove that a criminal offense occurred and can also help you in obtaining a civil protection order. This kind of exam can be done at a hospital and involves collecting evidence and photographs. As difficult as it may feel at the time, it is most helpful if you can get evidence collected quickly – before you eat, drink, shower, use the bathroom, etc. The locations closest to the ICO campus where you can obtain an exam like this are at Northwestern Memorial Hospital, University of Illinois Hospital, Rush Medical Center, or any hospital emergency room. If you need assistance to get to one of these centers, contact Chicago Rape Crisis Hotline at 888-293-2080.
- Contact ICO’s Title IX Coordinator at 312-949-7311, the Title IX reporting line at 312-949-7444, the ICO Compliance Line at 312-949-7209 and/or ICO Campus Security at 312-949-7633.
- If the College perceives there is an on-going threat to the campus community, a timely warning may be issued. In such a case, your name will be withheld as confidential from such a communication.
- If you would like to learn about your options for, and receive assistance in, changing academic, living, transportation, or work situations, contact the Title IX Coordinator. Examples of the kinds of things that can be done include but are not limited to: changing to a different class section, completing a course via independent study, receiving escort service to your class or vehicle while on campus, and adjusting your work schedule. You can also learn about how to apply for a medical withdrawal, get questions answered about financial aid, and learn how to request protective measures on campus.

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

- Listen. Be there. Do not be judgmental.
- Be patient. It will take some time for your friend to deal with what happened.

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

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

Confidential Support

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

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

ICO offers confidential psychological support for students through UWILL 833-434-1217 or <https://app.uwill.com/>. The 833 number provides 24/7/365 ‘in the moment’ support by a licensed mental health professional. Through the website/portal the student can arrange for 1 on 1 counseling. If you have any questions about the student resources, please reach out to Beth Karmis 312-949-7415.

Employees looking for confidential assistance may also contact ICO’s Employee Assistance Program, ComPsych at (888) 628-4824 or www.GuidanceResources.com. Any questions about the employee assistance program, please reach out to ICO’s Human Resources Department.

Orders of Protection

The following information explains how to pursue protective acts whose jurisdiction extends beyond the campus. To obtain one of the orders below, contact the courthouse for the area in which you live. If you would like assistance, or if you have other questions about civil orders of

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protection or no contact orders, please contact Campus Security at 312-949-7633 or your local police department

Civil Orders of Protection

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

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

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

Plenary Orders: A plenary order of protection can be issued only after a court hearing in which you and the abuser both have a chance to tell your side of the story. It provides the most protection and the longest-term protection. A plenary order may last up to two years, and there is no limit on the number of times an order of protection can be renewed.

No Contact Orders

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

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

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

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

Interim Campus Action

Interim Action

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

Campus No-Contact Orders

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

Community Resources

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

Chicago

Resilience (formerly Rape Victim Advocates)

<https://www.ourresilience.org/>

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

RAINN Hotline: 1-800-656-HOPE

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Statewide

Illinois Coalition Against Sexual Assault

217-753-4117

www.icasa.org

National

National Domestic Violence Hotline:

800-799-SAFE (7233)

Reporting Options

This section provides written notice of the resolution process, including rights and options available to all parties involved in a sexual misconduct allegation. Individuals may choose to seek action or assistance both on-campus as well as through the surrounding community. If you would like to see action occur because of a person’s behavior, you may wish to report the misconduct at some level. The following situations are examples of reasons why you might choose to report an incident of sexual misconduct:

- To seek formal action against someone, such as removing them from a class or the campus
- To educate the person about their behavior
- To confront the individual and make your voice heard about how you feel about what happened
- To make the College aware of the behavior in case it is part of a larger pattern
- To receive assistance in changing classes or other on-campus arrangements
- To receive support in coping with a situation

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

1. **Confidential Reporting** in which your identity is kept confidential (with few exceptions) by a designated official on the ICO Compliance Line 312-949-7209, the ICO Title IX line 312-949-7444 or by the Chicago Rape Crisis Hotline at 888-293-2080.

Confidential reporting restricts the ability for the incident to be investigated and does limit the College’s ability to act.

2. **Formal Reporting** in which you wish to file a formal report with the Title IX Coordinator, Campus Security, Human Resources, and/or Student Affairs and pursue the College’s investigation and resolution process (this means your identity will be known to the accused individual)

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If you wish that your identity and the details of an incident be kept confidential, the counselors with UWILL (for Students) or through the ComPsych Guidance Resources (for employees), or off-campus rape crisis resources can maintain this level of confidentiality.

You may wish to consider this option if you:

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

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

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

What about anonymous reporting?

If you would like to report an incident but remain anonymous, you can do so using the College's Title IX hotline number 312-949-7444 or the Compliance hotline at 312-949-7209. You can report anonymously by not leaving your name and contact information, no caller ID information is tracked by these hotlines. Under the most recent Title IX regulations, anonymous reporting prohibits the College's ability to investigate and resolve anonymous allegations.

To File a Formal Report

ICO is obligated to treat complainants and respondents equitably, to be objective of all relevant evidence, with vigilance to avoid bias or conflicts of interest. ICO will offer supportive measures, investigate and address all allegations of Title IX misconduct. Formal reports of incidents are encouraged. This is considered official notice to the institution. By reporting formally, both parties (the complainant and the respondent) have the right to expect to have the report taken seriously by the institution and to have a fair, prompt, and impartial investigation and resolution occur. During this time, only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, the complainant, the respondent and advisors, the Title IX Coordinator, or other such persons involved in the processes. All proceedings will

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be conducted by an Investigator who receives annual training on sex-based misconduct, including how to conduct investigations and resolutions that protect the safety of victims and promote accountability. Please be aware that if you file a formal report, your name and the relevant reported information will be known to the respondent.

All employees of the College are required to share with the Title IX Coordinator all information regarding sexual misconduct for which they are aware, including the identities of the parties if known. The RA Staff, although students themselves, are also required to report instances of sexual misconduct of which they are aware.

You may file your formal report in any one of these ways:

By contacting any of the following either in person, phone or email (using ICO email addresses):

- Title IX Coordinator:
 - Michael R. Butz, Sr. Director of Compliance, Risk Mgmt. & Quality Improvement, 312-949-7311, Office 1211
- Deputy Title IX Coordinators:
 - Beth Karmis, Asst. Dean for Student Success, 312-949-7415, Office 2721
 - Milissa Bartold, Sr. Director for Strategy & Administrative Technology Mgmt., 312-949-7440, Office 2125
 - Sharif Terry, Director of Human Resources, 312-949-7040, Office 2533
- By sending an email to TitleIX@ico.edu
- Or by calling either 312-949-7444 (Title IX Hotline) or 312-949-7209 (ICO Compliance Hotline).

You can expect a timely response from the Title IX Coordinator regardless of the filing method.

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

Reporting Considerations

- Victim alcohol or drug use. ICO seeks to remove any barriers to reporting sexual misconduct. ICO will offer limited immunity to the individual reporting to protect them from being charged with policy violations related to the personal ingestion of alcohol or

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other drugs. ICO may recommend education or therapeutic remedies for those individuals.

- False reporting. A reporting party who makes a report that is later found to be intentionally false or made maliciously without regard for the truth will be subject to disciplinary action. This does not apply to reports made in good faith, even if the facts alleged in the report are not later substantiated in the investigation.
- Third Party Reporting. Any individual may make a report of sexual misconduct. The report may be made without disclosing the identities of the parties involved. However, ICO's ability to respond to a third-party report may be limited by the amount of information provided.

Title IX Incident Process

Resolution proceedings are private. All people present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with ICO policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they choose. ICO encourages parties to discuss this with their Advisors before doing so.

Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Title IX Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Title IX Process.

Prior to implementing Informal Resolution, ICO will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by ICO.

ICO will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal

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Resolution.

The Informal Resolution process is **not available** when an allegation is made against an ICO employee. In those instances, the complaint will follow the formal resolution process.

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and ICO are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of ICO's policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Title IX Process will resume.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the misconduct, prevent its recurrence, and remedy the effects of the misconduct, both on the Complainant and the community.

Formal Resolution

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

- Are to be accompanied by an advisor of your choosing during any meeting or proceeding related to the process, from the initial step of filing a report, up to and including the hearing and any subsequent appeal. If either party does not have an advisor one will be appointed and provided to serve as advisor by the College.
- Have the opportunity to review and respond to the relevant information in the case
- Will be informed in writing of the relevant outcomes of the proceeding, including any appeal procedures
- Will be notified if there has been an appeal and to offer any additional information for consideration through the appellate process
- Will be informed of any changes to the outcome(s) as a result of an appeal, and when the outcomes are considered final (i.e. no further opportunity for appeal)

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The procedures are also designed to provide a fundamentally fair process that treats all parties with respect. There is a presumption that the respondent is not responsible.

Investigation Process

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

Investigations are typically conducted by the ICO Title IX Investigators.

If the College has received notice about alleged misconduct that may threaten the health or safety of the campus or any members of its community, ICO reserves the right and has the obligation to initiate a complaint and/or investigation. In these cases, the Title IX Coordinator will be the individual filing the formal complaint.

During any investigation or disciplinary process, appropriate interim remedies may also occur such as campus no-contact orders, adjusting class schedules, or limiting/prohibiting access to campus. The investigation stage of the process involves interviews with both parties (complainant and respondent), witnesses and other individuals deemed to have information about the incident. The investigation process is intended to be prompt although the length of time is not specifically detailed. At the conclusion of the investigation the evidence obtained is made available to both parties for review. Both parties and their advisors have 10 business days to review, inspect and respond to all evidence gathered through the investigation. The final investigation report will be forwarded to the Hearing Panel to schedule the formal hearing in no less than 10 business days.

When evaluating whether misconduct occurred, the standard of evidence used will be a “preponderance of the evidence” or “more likely than not.”

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

Addressing Behavior of Third Parties

When the accused party is not an ICO student or employee, ICO will do its best to maintain a harassment-free environment. This can include things like banning someone from the campus,

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providing additional monitoring and education, or reporting the incident to another school or community law enforcement agency that has jurisdiction over the individual's behavior.

Hearing Process

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions or responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Panel and parties to see and hear a party or witness answering questions. Such a request must be made with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Hearing Panel member based on demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Panel. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties must have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and ICO will appoint one. Each party must have an Advisor present; there are no exceptions.
- A copy of all the materials provided to the Hearing Panel, about the matter, unless they have been provided already. The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Hearing Panel will review during any sanction determination.

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- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- It will indicate that parties cannot bring mobile phones into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by ICO and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

Pre-Hearing Preparation

The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of people who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have made a written statement or answered written questions, unless all parties and the Chair agree to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. The Chair will delay the Hearing and instruct that the investigation needs to be reopened if new evidence is first presented at the Hearing.

The parties will be given a list of the names of the Hearing Panel members at least five (5) business days in advance of the hearing. All objections to any Hearing Panel member must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Hearing Panel members will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Hearing Panel members a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Hearing Panel member who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any

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improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

Hearing Procedures

At the hearing, the Hearing Panel has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Hearing Panel, the Investigator(s) who conducted the investigation, the complainant and respondent, their Advisors, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions about procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Panel and the witnesses and will then be excused.

The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Panel and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

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Neither the parties nor the Hearing Panel members may ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Hearing Panel and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Hearing Panel member at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Hearing Panel members cannot rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Hearing Panel members must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

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The Hearing Panel members may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Hearing Panel members may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with ICO's established rules of decorum for the hearing, ICO may require the party to use a different Advisor. If an ICO-provided Advisor refuses to comply with the rules of decorum, ICO will provide that party with a different Advisor to conduct cross-examination on behalf of that party.

Recording Hearings

Hearings (but not deliberations) are recorded by ICO for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Hearing Panel, the parties, their Advisors, and appropriate administrators of ICO will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without the permission of the Title IX Coordinator.

Deliberation, Decision-making, and Standard of Proof

The Hearing Panel members will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence proof is used.

When there is a finding of responsibility on one or more of the allegations, the Hearing Panel may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Hearing Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Hearing Panel may – at their discretion – consider the statements, but they are not binding.

The Hearing Panel will review the statements and any pertinent conduct history provided by the appropriate Vice President (Dean for Academic Affairs or Dean of Student Affairs) and will determine the appropriate sanction(s) in consultation with a Vice President who has no knowledge of the situation and/or the President, as required.

The Hearing Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions.

This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations,

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unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Hearing Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Hearing Panel's.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Recipient records, or emailed to the parties' official ICO email address. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by ICO from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent ICO is permitted to share such information under state or federal law; any sanctions issued which ICO is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to ICO's educational or employment program or activity, to the extent ICO is permitted to share such information under state or federal law.

The Notice of Outcome will also include information on when the results are considered by ICO to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Sanctions

Factors considered when determining a sanction may include, but are not limited to:

- the nature, severity of, and circumstances surrounding the violation(s)
- the Respondent's disciplinary history
- previous allegations or allegations involving similar conduct
- the need for sanctions to bring an end to the discrimination, harassment, and/or retaliation
- the need for sanctions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- the need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- the impact on the parties
- any other information deemed relevant by the Hearing Panel.

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The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

Student Sanctions

The following are possible sanctions[1] that may be imposed upon students singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any ICO policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either ICO-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions if the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Recipient. This will be noted on the student's ICO transcript.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ICO-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript,
- **Withholding Diploma:** ICO may withhold a student's diploma for a specified period and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** ICO reserves the right to revoke a degree previously awarded from ICO for fraud, misrepresentation, and/or other violation of ICO's policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Other Actions:** In addition to or in place of the above sanctions, ICO may assign any other sanctions as deemed appropriate.

Employee Sanctions

Sanctions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion

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- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions as ICO may deem appropriate.

Withdrawal or Resignation While Charges Pending

Students:

If a student has an allegation pending for violation of the Policy, ICO may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from ICO, the resolution process ends, as ICO no longer has disciplinary jurisdiction over the withdrawn student.

However, ICO will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The student who withdraws or leaves while the process is pending may not return to ICO. A hold will be placed on their ability to be readmitted. They may also be barred from ICO property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one term), the resolution process may continue remotely, and that student is not permitted to return to ICO unless and until all sanctions have been satisfied.

During the resolution process, ICO may put a hold on a responding student's transcript or place a notation on a responding student's transcript or dean's disciplinary certification that a disciplinary matter is pending.

Employees:

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as ICO no longer has disciplinary jurisdiction over the resigned employee.

However, ICO will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with ICO, and the records retained by the Title IX Coordinator will reflect that status.

All Recipient responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 3 days of the delivery of the Notice of Outcome.

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A single Appeal Decision-maker will Chair the appeal. The Appeal Decision-maker will not have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal.

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Grounds for Appeal

Appeals are limited to the following grounds:

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

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-maker and the parties, and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Hearing Panel Chair.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and the original Hearing Panel Chair will be mailed, emailed, or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise new grounds for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Hearing Panel, as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will render a decision in no more than 5 business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any

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sanctions that may result which ICO is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent ICO is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' ICO-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

ICO will still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Appeal Considerations

1. Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
2. Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
3. An appeal is not an opportunity for Appeal Decision-maker to substitute their judgment for that of the original Hearing Panel merely because they disagree with the finding and/or sanction(s).
4. The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultations will be maintained.
5. Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Hearing Panel for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
6. Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
7. In rare cases where a procedural or substantive error cannot be cured by the original Hearing Panel (as in cases of bias), the appeal may order a new hearing with a new Hearing Panel.
8. The results of a remand to a Hearing Panel. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
9. In cases in which the appeal results in reinstatement to ICO or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status,

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recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by ICO to the Respondent to ensure no effective denial of educational access.

ICO will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair ICO's ability to provide these services.

Failure to Comply with Sanctions or Interim and Long-term Remedies

All Respondents are expected to comply with the assigned sanctions, or corrective actions within the timeframe specified by the final Hearing Panel (including the Appeal decision-maker).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from ICO and may be noted on a student's official transcript or employee record.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

ICO will maintain for a period of at least seven years records of:

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1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation.
2. Any disciplinary sanctions imposed on the Respondent.
3. Any remedies provided to the Complainant designed to restore or preserve equal access to ICO's education program or activity.
4. Any appeal and the result.
5. Any Informal Resolution and the result.
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. ICO will make these training materials publicly available on ICO's website.
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
8. The basis for all conclusions that the response was not deliberately indifferent.
9. Any measures designed to restore or preserve equal access to ICO's education program or activity; and
10. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable considering the known circumstances.

ICO will also maintain all records in accordance with state and federal laws.

Disabilities Accommodations in the Resolution Process

ICO is committed to providing reasonable accommodation and support to qualified students, employees, or others with disabilities to ensure equal access to ICO's resolution process.

Anyone needing such accommodation or support should contact the ADA Coordinator (for Students) or the HR Department (for employees), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. ICO reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

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This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

Training for the Title IX Team

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

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

Education and Resources

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

The responsibility of preventing crimes of sexual violence lies with the person initiating sexual behavior, as that is the person who has the power to stop what they are doing.

Resources

- [It's On Us](#): Take the pledge to stop sexual assault
- [National Sexual Violence Resource Center](#)
- Office on Violence Against Women's [Changing our Campus Culture](#)

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Risk Reduction Strategies

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

- You have the right to your own values, attitudes and beliefs about sexual behavior and relationships in general. Therefore, you have the right to determine the type of interactions and activities you feel comfortable with and to end those activities at any time.
- While there is no perfect profile of someone who will be sexually violent, there are some common warning signs. These include:
 - Domineering, overly controlling actions
 - A tendency to disregard your feelings and desires
 - The expression of hostility or dominance toward potential partners
 - The belief that certain actions entitle one to sex with another person
 - Intrusion into your personal physical space
 - Touching you in a way that makes you feel uncomfortable
- No one is ever entitled to sex. You are not obligated to perform sexual acts as payment, as a favor, or in order to be a “real man” or a “good woman.”
- Alcohol is a frequently used and highly effective rape facilitating drug. It affects each person’s ability to make decisions, set boundaries, and engage in sexual activities differently. Keep track of how much you drink, and consider some of these tips in relation to alcohol consumption:
 - You have the right not to drink alcohol at any time.
 - If you feel pressure to drink, you can keep a beer can in your hand without drinking from it frequently.
 - Alternate water with each alcoholic beverage and eat prior to and while drinking.
 - You have the right to say no to any sexual activity at any time for any reason. When you feel that your personal rights are being threatened, you have every right to take a stand and let the offending party know that what he/she is doing is unwelcome. This includes if you have started activities and you no longer wish to pursue them.
 - If you go to larger parties, bring friends with you and check in regularly. Make plans for how to get home, and who will remain sober throughout the night in case any emergency arises.

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- Having your own transportation gives you a degree of power to leave a situation if you see the need to.
- While using social media be mindful of the type of information you provide, including your address or phone number, and whether you are at home or away. Review and update your privacy settings regularly.
- If you wish to pursue sexual activity with someone, consider discussing your boundaries prior to engaging in physical activity together so you have a clearer understanding of each other's preferences. If you decide to engage in sexual activity shortly after meeting someone, you may not have as great of an understanding of each other yet, which means you both may need to seek further clarification as you communicate.

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

Bystander Intervention

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

Notice what is happening.

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

Consider whether the situation warrants your action.

Even situations that do not seem serious may benefit from your action. The goal is to intervene well before there is a problem, not once a violent act has started. For example, if you notice a friend who is drinking a lot of alcohol, raising his voice, and saying he wants to “get laid, no matter what”, this could be an indication of high-risk behaviors. If you hear someone yell or you see someone who is intoxicated and being hit on by someone else, you might be able to step in.

Decide if you have a responsibility to act.

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

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Choose what form of action/assistance to use.

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

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

Implement the intervention safely.

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

(Source: Adopted from Darley and Latane, 1968)

Information for Faculty and Staff

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

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

First, you must be familiar with ICO's Title IX Policy. If you interact with a student or employee who has experienced Title IX related or general misconduct, you should respond in a caring manner. You also are **required** to report incidents of Title IX related misconduct that you observe, or that are reported to you by students or others, to the Title IX Coordinator(s). This applies to incidents happening on or in locations controlled by the College involving students, employees, patients, or visitors to campus. Finally, you can help ICO reduce the risk of any misconduct by utilizing resources and promoting education about this important issue.

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

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

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