

# Sexual Assault Policy and Prevention Information

## for students and employees

**In the event of sexual assault, dating violence, domestic violence or stalking, victims are encouraged to report offenses in a timely manner to the President's Office, Campus Director's Office, any Campus Security Authority (CSA), Responsible Employee and/or the Title IX Coordinator.**

*Our school is committed to creating and maintaining a community in which students, faculty and staff work in an environment free from all forms of harassment, exploitation, intimidation or violence. Prohibited conduct includes all forms of sexual discrimination and sexual harassment, as well as sexual assault and sexual violence. Domestic violence, dating violence, and stalking are also prohibited by this policy. These are serious offenses that may result in suspension, required withdrawal, expulsion, or termination of employment.*

### **Victims are encouraged to exercise their rights, if desired, including:**

- Proceeding to a place where it is safe from further attack and reporting offenses to proper local law enforcement, campus security authority, and health officials
- Preserving any evidence of the assault that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order (do not drink, bathe, change clothing, or comb hair, as this may destroy evidence that may be needed to prosecute the offender)
- Obtaining immediate medical attention
- Receiving appropriate counseling referral information
- Receiving information on services for health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid
- Completing crime reports
- Changing academic and work situations (e.g., student's course schedule; employee's work environment.
- Applying for judicial no-contact, restraining and protective orders.
- Receiving as the right of both the accuser and the accused the outcome of any institutional disciplinary proceeding that is brought alleging a sex offense. If the alleged victim is deceased as a result of the crime or offense, the institution must provide results of the disciplinary hearing to the victim's next of kin, if so requested.



The school strongly advocates that a victim of sexual assault, dating violence, domestic violence or stalking report the incident in a timely manner. Victims may report a sexual assault, or incidents of dating violence, domestic violence and stalking to the President's Office, Campus Director's Office, or to any CSA or Responsible Employees. Victims of sexual assault, dating violence, domestic violence and stalking also have the option of notifying proper local law enforcement. If requested by the victim, the school will assist the student in notifying law enforcement. The victim also has the option to decline notifying authorities.

In addition, the school President's Office or Campus Director's Office will provide

information on off-campus agencies that provide services to victims of a sex offense.

The School will (a) provide complainants with information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the School and in the community; (b) provide complainants with information about their options for, and available assistance in, changing academic, living, transportation and working situations if requested and reasonably available, regardless of whether the complainant chooses to report the offense to campus security or to local law enforcement; and (c) facilitate changes in the complainant's

transportation and working situations, in addition to academic and living situations, if requested and reasonably available.

If a victim informs the institution that they have an orders of protection, no-contact orders, restraining orders or similar lawful orders issued for a criminal, civil or tribal court in effect, the institution will uphold the conditions of the order to the best of its ability.

The institution will protect the confidentiality of victims. Publicly available recordkeeping, such as mandatory Clery reporting, will be accomplished without the inclusion of identifying information, to the extent permitted by law.

## *Prevention and Awareness Programs*

The School will provide primary prevention and awareness programs for all incoming students and new employees that address topics including definitions, risk reduction, bystander intervention, reporting and investigation procedures, and sanctions as described within this document. The School will also provide ongoing prevention and awareness campaigns for students and employees that include this same information.

### **Reducing Risk**

General crime prevention strategies can help reduce the risk of falling victim to sexual related crimes. In addition, recognizing the warning signs of abusive behavior can serve as a deterrent to sexual related crimes. The following is an example of behaviors seen in people who abuse their partners. If someone exhibits more than three of any of these warning signs, there is a strong potential for abuse in the relationship. An abuser may exhibit only a few of these behaviors, but they may be quite exaggerated.

- ♦ Past abuse ♦ Threats of violence or abuse ♦ Breaking objects ♦ Use of force during an argument ♦ Jealousy
- ♦ Controlling behavior ♦ Quick involvement ♦ Unrealistic expectations ♦ Isolation ♦ Blames others for problems
- ♦ Blames others for their feelings ♦ Hypersensitivity ♦ Cruelty to animals or children ♦ Jekyll-and-Hyde personality

### **Bystander Intervention**

An engaged bystander is someone who intervenes in a safe and positive way before, during, or after a situation or event in which they see or hear behaviors that promote dating violence, domestic violence, sexual assault, or stalking. The bystander approach attempts to teach community members how to be engaged bystanders in a safe and effective way. Primary prevention activities take place before violence happens to prevent perpetration or victimization.

# Disciplinary Procedures

The School has disciplinary procedures in place to address allegations of dating violence, domestic violence, sexual assault, or stalking, which are detailed in the catalog. Under these procedures, when a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the institution will provide a written explanation of the student's or employee's rights and options.

The School is committed to undertaking prompt, thorough, impartial and fair investigations, and to treating all individuals with respect and sensitivity. Depending upon the nature of the alleged or suspected policy violation, the relevant official (or his or her designee) will conduct an investigation either alone or with one or more other school officials as deemed appropriate by the school.

The investigation of any suspected or alleged violation of this policy will be completed within 60 calendar days of the filing of a complaint or the date on which the school becomes aware of a suspected violation of this policy unless the school determines in its discretion that good cause exists to extend the time to complete the investigation, in which case the parties will be notified and provided with an explanation of the reason for the extension of the 60-day period. The nature and extent of the investigation will vary depending upon the circumstances, including whether the parties are amendable to pursuing an informal resolution (and the matter is eligible for informal resolution, as discussed below). As part of the investigation, the relevant official (or his or her designee) will seek to interview the complainant and the accused. To help ensure a prompt and thorough investigation, complainants are asked to provide as much information as possible:

- ◆ The name, department, and position of the person or persons allegedly causing the dating violence, domestic violence, sexual assault, or stalking.
- ◆ A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- ◆ The alleged effect of the incident(s) on the complainant's opportunity to benefit from the school's programs or activities.
- ◆ The names of other individuals who might have been subject to the same or similar acts of dating violence, domestic violence, sexual assault, or stalking.
- ◆ Although it is not required, any steps the complainant has taken to try to stop the dating violence, domestic violence, sexual assault, or stalking.
- ◆ Any other information the complainant believes to be relevant to the alleged dating violence, domestic violence, sexual assault, or stalking.

Any accused parties are also expected to provide as much information as possible in connection with the investigation.

The School reserves the right to suspend any member of the school community suspected or accused of violating this policy or to take any other interim measures the school deems appropriate, pending the outcome of an investigation or grievance. Such interim measures can include, but are not limited to, removing a student from campus housing, modifying course schedules, and issuing a "no contact" order.

In situations involving suspected or alleged violations of this policy the School also reserves the right to take steps to protect the complainant as deemed necessary during the pendency of the investigation and resolution process (e.g., allowing for a change in academic situation, issuing a "no contact" order to the accused, etc.). Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible. Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the School to provide the interim measures.

## ***Informal Resolution Process***

Allegations of sexual assault, dating violence, domestic violence or stalking may not be resolved using an informal resolution process (i.e., mediation). However, other alleged violations of this policy, including some allegations of sexual harassment, may be resolved using an informal resolution process overseen by one or more school representatives if (i) the School determines, in its discretion, that such a process would be appropriate; and (ii) all parties agree to participate.

The parties to any such informal process will not be required to deal directly with one another without the School's involvement. Instead, one or more School representatives may arrange for or facilitate mediation between the involved parties and coordinate

other informal resolution measures. Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution process (described below) would commence. In addition, any party can pursue formal resolution if he or she is dissatisfied with a proposed informal resolution.

### **Formal Resolution Process**

The formal resolution process applies (i) when any party so requests in connection with a matter that is eligible for informal resolution; and (ii) to all matters that are not eligible for informal resolution (i.e., matters involving alleged or suspected sexual assault, dating violence, domestic violence or stalking). The School may also elect to use the formal resolution process in any matter when the School deems it appropriate. As part of the formal resolution process, the school may determine that further steps are required to complete the school's investigation. The following procedural protections apply to matters that are not resolved using the Informal Resolution Process described above.

*Investigator Qualifications.* The official(s) designated to conduct the investigation shall be trained in the investigation of, and other issues related to, sexual assault, domestic violence, dating violence, stalking and other misconduct covered by this Policy, shall not have a conflict of interest or bias for or against any parties involved in the potential Policy violation, and shall have received at least annual training on issues related to these issues.

*Standard for Determining Responsibility.* The standard used to determine whether this policy has been violated is whether it is more likely than not that the accused violated this policy. This is often referred to as a "preponderance of the evidence" standard.

*Rights of Complainants and Accused Parties; Timing of Resolution.* The School shall provide any individual suspected or accused of violating this policy with a written explanation of the suspected or alleged violations of this policy. Complainants and accused parties shall both be provided with the following in connection with the resolution of suspected or alleged violations of this policy.

- ◆ The opportunity to speak on their own behalf.
- ◆ The opportunity to identify witnesses who can provide information about the alleged conduct at issue.
- ◆ The opportunity to submit other evidence on their behalf.
- ◆ The opportunity to be accompanied to any meeting or proceeding related to the School's resolution of an alleged or suspected violation of this policy by an advisor of their choice.
- ◆ The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with FERPA or other applicable law), as well as timely and equal access to any other information that will be used during any informal or formal disciplinary proceedings.
- ◆ The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law).
- ◆ The opportunity to appeal the outcome of the investigation.

*Sanctions; Corrective Actions.* The official conducting the investigation will determine whether a violation of this policy has occurred and what, if any, corrective action is appropriate. The school will take reasonable steps to prevent the recurrence of any violations of this policy and to correct the discriminatory effects on the complainant (and others, if appropriate).

The range of potential sanctions/corrective actions that may be imposed against a student includes the following: written or verbal apology; sexual assault, dating violence, domestic violence or stalking prevention education; verbal or written warning; probation; suspension; and dismissal from the school. Employees who are found to have violated this policy may be terminated or subjected to other disciplinary action in accordance with the Code of Business Conduct & Ethics. Guests and other third parties who are found to have violated this policy are subject to corrective action deemed appropriate by the School, which may include removal from the School and termination of any applicable contractual or other arrangements.

In instances where the School is unable to take disciplinary or other corrective action in response to a violation of this policy because a complainant insists on confidentiality or for some other reason, the School will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

*Notification of Outcome.* After the conclusion of the investigation, the school will provide written notification to the complainant and the accused of the outcome (i.e., whether a violation of this policy has occurred), including the rationale for the outcome and explanation of the School's appeal procedures, within seven (7) calendar days after the conclusion of any hearing or proceeding

**Contact information for your Title IX Coordinator is provided in the staff section of the catalog.**

unless the school determines that additional time is required. This notice shall be issued simultaneously to both parties to the extent practicable.

The school may also disclose to the complainant information about any sanctions or corrective actions taken that relate directly to the complainant (e.g., a “no contact” order). The school will maintain documentation of all hearings or other proceedings, which can take various forms (e.g., notes, written findings of fact, transcripts, or audio recordings, etc.).

Under no circumstances will the complainant be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome.

*Right to Appeal.* Once written notification of the resolution has been provided, either the complainant or the accused will have the opportunity to appeal the outcome (including the issue of whether there is a policy violation and any sanction(s) imposed). Any appeal must be submitted in writing to the Lead Title IX Coordinator (“Coordinator”) within seven (7) calendar days of being notified of the outcome and must set forth the grounds upon which the appeal is based.

If the Coordinator is unable to resolve the appeal for any reason, the School will designate another representative to decide the appeal. Neither party shall be entitled to a hearing in connection with any appeal, but the Coordinator (or designee) may request written submissions from the parties or consider any other information as deemed appropriate by the Coordinator (or designee). Both parties will be informed in writing of the outcome of any appeal within fourteen (14) days of the date by which all requested information is received unless the Coordinator (or designee) determines that additional time is required. This notice shall be issued simultaneously to both parties to the extent practicable. Appeal decisions by the Coordinator (or designee) are final.

### ***Prohibition Against Retaliation***

No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation, intimidation, coercion, threats or discriminatory action as a result of such activity or participation. Retaliation exists when action is taken against a complainant or participant in the complaint process that (i) adversely affects the individual’s opportunity to benefit from the school’s programs or activities; and (ii) is motivated in whole or in part by the individual’s participation in the complaint process. Any acts of retaliation, as defined above, shall be grounds for disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff.

### ***Confidentiality***

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the School’s ability to conduct an investigation and take any corrective action deemed appropriate by the School and/or its schools. Identifying information regarding complainants will not be included in any timely warnings or other publicly available records.

### ***Fabricated Allegations***

Any allegations suspected to be fabricated for the purpose of harassing the accused party or disrupting the school’s operations are subject to these investigation and grievance procedures and could result in disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff.

## ***If you see someone in danger of being assaulted***

**Step in and offer assistance.** Ask if the person needs help. Before stepping in, make sure to evaluate the risk. If it means putting yourself in danger, call 9-1-1 instead.

**Don’t leave.** If you remain at the scene and are a witness, the perpetrator is less likely to do anything.

**If you know the perpetrator,** tell the person you do not approve of their actions. Ask the person to leave the potential victim alone.

# Definitions

Please note that these are generally accepted definitions which may be superseded by more restrictive definitions in the local jurisdiction.

**Consent:** Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. The manner of a person's dress does not constitute consent.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: (a) the person is incapacitated due to the use or influence of alcohol or drugs; (b) the person is asleep or unconscious; (c) the person is under age; or (d) the person is incapacitated due to mental disability.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic Violence:** A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- 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 in which the crime of violence occurred.

**Stalking:** 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 purposes 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Sexual Assault:** An offense that meets the definition of rape, fondling incest or statutory rape as used in the FBI's UCR program.

**Sexual Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

*Rape:* The 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 body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

*Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

*Incest:* Sexual intercourse between persons who are related to each other within the degrees where-in marriage is prohibited by law.

# Contact Information

**REMEMBER TO CALL 911 FIRST IN THE EVENT OF AN EMERGENCY**

## **INTERNAL CONTACTS**

### **Title IX Coordinator:**

Julianna Dhanie, 312-544-7570, [jdhanie@chicago.chefs.edu](mailto:jdhanie@chicago.chefs.edu)

### **Campus President**

Maegan Murphy, 312-873-2015, [mmurphy@chicago.chefs.edu](mailto:mmurphy@chicago.chefs.edu)

### **Mandated Reporter (IL only)**

A Mandated Reporter is required to report when they have reasonable cause to believe that a child known to them in their professional or official capacity may be an abused or neglected child. For the purposes of this document, the designated Mandated Reporter at the campus is Maegan Murphy (312-873-2015, [mmurphy@chicago.chefs.edu](mailto:mmurphy@chicago.chefs.edu)).

### **Campus Security Authority**

Julianna Dhanie, 312-544-7570, [jdhanie@chicago.chefs.edu](mailto:jdhanie@chicago.chefs.edu)

### **Anonymous Reporting**

Individuals who wish to anonymously report an incident of sexual assault or sexual violence may do so by leaving a voicemail message at 1-847-851-7021. Please be aware that the school's ability to investigate or respond to claims may be limited in these instances.

### **Electronic Reporting**

Individuals who are victims of a sexual assault or who learn about a sexual assault as defined in this document may wish to submit a report electronically. Individuals who wish to report sexual abuse electronically can send an email to: [titleix@careered.com](mailto:titleix@careered.com).

### **Student Financial Aid**

(866) 256-9992 or [lcbfinancialaid@careered.com](mailto:lcbfinancialaid@careered.com)

## **EXTERNAL CONTACTS**

### **Confidential Advisor**

This institution contracts with Chicago Rape Victim's Advocates (RVA) to provide Confidential Advisor services to students who are victims of a sexual assault or sexual violence. If you wish to use these services, please contact them at 1-773-907-1062. Students who need more immediate assistance should call 911 or the Rape Crisis Hotlines listed below.

### **Local Police**

Chicago Police Department, 18th District, 1160 North Larrabee Ave, Chicago, IL 60610; 1-312-742-5870

### **Hospitals**

Northwestern Memorial Hospital, 251 East Huron Street, Chicago, IL 60611; 1-312-926-2000

### **Support Agencies/Hotlines**

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

National Domestic Violence Hotline: 1-800-799-7233

National Sexual Assault Hotline: 1-800-656-4673

### **Legal Assistance, Visa and Immigration Assistance**

Immigration Advocates Network: <http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=IL>