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Graduate Academic Catalog Addendum

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[Section Three, Health/Safety Policies and Procedures](#)

The following policy is an addition to the current catalog applicable to Argosy University, Chicago and Argosy University, Schaumburg only. It is to appear below the 'Sexual Misconduct and Relationship Violence Policy; Procedures for Handling Sexual Misconduct and Relationship Violence Complaints' policy currently located in the Argosy University Graduate Academic Catalog and is effective on 8/1/16.

Sexual Misconduct & Relationship Violence Policy; Procedures for Handling Sexual Misconduct and Relationship Violence Complaints at Argosy University, Chicago and Argosy University, Schaumburg

Argosy University, Chicago and Argosy University, Schaumburg value civility, dignity, diversity, education, honesty, and safety and is firmly committed to maintaining a campus environment free from all forms of sex discrimination, sexual harassment, and sexual assault. Sexual Misconduct and Relationship Violence, defined more specifically below, are inconsistent with these values, violate institutional policy, and will not be tolerated at Argosy University, Chicago and Argosy University, Schaumburg and are expressly prohibited. Similarly, retaliation for having brought forward a concern or allegation or for participating in an investigation of a report of Sexual Misconduct or Relationship Violence is also expressly prohibited and is grounds for disciplinary action.

This Policy provides information regarding how an individual – whether a student, faculty member, or staff member – can make a report of Sexual Misconduct or Relationship Violence impacting a student and how Argosy University, Chicago and Argosy University, Schaumburg will proceed once it is made aware of any such report.

For faculty and staff members who believe they are the victim of sexual misconduct, please follow our No Harassment policy in the Employee Handbook.

I. Preliminary Issues & Important Definitions

This Policy prohibits "Sexual Misconduct" and "Relationship Violence," broad categories encompassing the conduct defined below. Sexual Misconduct and Relationship Violence can be committed by anyone, including third parties, and can occur between people of the same sex or different sexes and regardless of one's biological sex or transgendered sex. This policy applies

to Sexual Misconduct and Relationship Violence that is committed against a student when that Sexual Misconduct or Relationship Violence occurs: (i) on campus; (ii) off-campus if in connection with a School-sponsored program or activity or in student housing; or (iii) off-campus if allegedly perpetrated by a fellow student, faculty member, staff member, or third party when the victim/reporting student reasonably believes that the off-campus conduct has created a hostile educational environment.

A. What is “Sexual Misconduct”?

Sexual Misconduct includes:

- Sexual Assault: Having or attempting to have sexual intercourse, cunnilingus, or fellatio without Consent (as defined below). Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object.
- Non-Consensual Sexual Contact: Any intentional sexual touching with any body part or object by any person upon any person without Consent.
- Sexual Exploitation: An act attempted or committed through the abuse or exploitation of another person’s sexuality. Examples include, but are not limited to, prostituting another student; inducing a student into sexual intercourse, sexual contact, or other sexual activity by implicit or explicit threat of exposure of personal information or academic consequences; non-consensual video or audio-taping of sexual activity; allowing others to observe a personal consensual sexual act without the knowledge or Consent of all involved parties; and knowingly transmitting or exposing another person to a sexually transmitted infection without the person’s knowledge.
- Indecent Exposure: the exposure of the private or intimate parts of the body in a lewd manner in public or in private premises when the accused may be readily observed.
- Sexual Harassment: unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when it meets any of the following: (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s academic status; or (b) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting such individual; or (c) Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive environment for working, learning, or living on campus.

B. What is “Relationship Violence”?

Relationship Violence includes:

- Domestic Violence: Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the student is protected under federal or applicable state law.
- Dating Violence: Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship is generally determined based on a consideration of the length and type of relationship and the frequency of interaction.
- Stalking: A course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts in which a person 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.

The following also constitute violations of this Policy:

- Complicity: Assisting, facilitating, or encouraging the commission of a violation of this Policy.
- Retaliation: Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this Policy, or as retribution or revenge against anyone who has reported Sexual Misconduct or Relationship Violence or who has participated (or is expected to participate) in any manner in an investigation, or proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. To be clear, retaliation against a Complainant for reporting an incident or against any witness who participates in an investigation is strictly prohibited.

C. Who are "Complainants" and "Respondents"?

Argosy University, Chicago and Argosy University, Schaumburg are not a court of law. We also do not engage in victim-blaming or rushes to judgment. Therefore, without judgment, we refer to anyone who reports that s/he has experienced Sexual Misconduct as a "Complainant" and to anyone who reportedly has engaged in Sexual Misconduct as a "Respondent."

D. Defining Consent

In many cases of Sexual Misconduct, the central issue is consent or the ability to give consent. Consent is a voluntary agreement to engage in sexual activity. Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Past Consent does not imply future Consent, and Consent to engage in one form of sexual activity does not imply Consent to engage in a different form of sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Consent must be knowing and voluntary. To give Consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of her/his actions. Individuals who are physically or mentally incapacitated cannot give Consent.

Silence, without actions evidencing permission, does not demonstrate Consent. Where force, threats, or coercion is alleged, the absence of resistance does not demonstrate Consent. Force, threats, or coercion invalidates Consent. A person's manner of dress does not constitute consent. The responsibility of obtaining Consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain Consent or negate one's intent.

Consent to engage in sexual activity may be withdrawn by either person at any time. Once withdrawal of Consent has been clearly expressed, the sexual activity must cease.

Incapacitation is the inability, temporarily or permanently, to give Consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, due to an intellectual or other disability that prevents the student from having the capacity to give Consent, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he or she demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators that an individual is incapacitated may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, lack of awareness of circumstances or surroundings, or inability to perform other physical or cognitive tasks without assistance.

E. Title IX Coordinator & Deputy Coordinators

The Title IX Coordinator for Argosy University schools is: Anne Orelli, amorelli@argosy.edu. The Title IX Coordinator is responsible for, among other things, coordinating the campus's efforts to comply with and carry out the campus's responsibilities under Title IX of the Education Amendments of 1972, including compliance with this policy. The Title IX Coordinator will help to coordinate any investigations under this Policy.

In addition, the School has other individuals who serve as Deputy Title IX Coordinators to help oversee investigations and determination proceedings under this Policy.

II. Reporting & Confidentiality

We encourage victims of Sexual Misconduct & Relationship Violence to talk to somebody about what happened – so they can get the support they need, and so the School can respond appropriately.

Different employees on campus have different abilities to maintain confidentiality:

- **CONFIDENTIAL REPORTING:** Some individuals are required to maintain near complete confidentiality. These include professional counselors such as those provided by Talk One2One counseling services (available at 1-888-617-3362). These individuals can provide resources and generally talk to a victim without revealing any personally identifying information about an incident to the School. A victim can seek assistance and support from these individuals without triggering a School investigation.

- Local crisis hotline resources that offer 24/7 confidential counseling services are:

Argosy University, Chicago

Rape Victim Advocates (RVA)

(888) 293-2080

180 N. Michigan Avenue

Chicago, IL 60601

(312) 443-9603

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

Argosy University, Schaumburg

Northwest CASA

(888) 802-8890

415 W. Golf Rd., Suite 47

Arlington Heights, IL 60005

(847) 806-6526

Website: <http://www.nwcasa.org>

A victim may also make an anonymous report by using our online reporting system, accessible through the “Help/Contact Us” link on the Student Portal. A report made through this medium may trigger an investigation.

- **NON-CONFIDENTIAL REPORTING.** Other than professional counselors defined above, most other employees and contractors are required to report all the details of an incident to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the School and generally obligates the School to investigate the incident and take appropriate steps to address the situation. The

following campus employees (or categories of employees) are examples of responsible employees: the Title IX Coordinator, all Deputy Title IX Coordinators, President, Director of Student Services, other Student Services staff, Housing staff, Academic Advisors, the Security Team (including contract security personnel), all full-time and adjunct Faculty, Human Resources, and Employee Relations. Upon receiving a report of an alleged violation of this Policy the School is obligated to provide survivors with concise information, written in plain language, concerning the survivor's rights and options.

- The Director of Student Services at your campus is: Eric Ziehlke. He can be contacted at eziehlke@argosy.edu or via phone at 312-777-7637.

A victim may also make a report by using our online reporting system, accessible through the "Help/Contact Us" link on the Student Portal. A report made through this medium may trigger an investigation.

The School will seek to protect the privacy and confidentiality of the individuals involved in any report of alleged Sexual Misconduct or Relationship Violence to the extent possible and allowed by law. The Title IX Coordinator will evaluate any request for confidentiality in the context of the School's responsibility to provide a safe and nondiscriminatory environment to all members of its community.

The School will complete any publicly available record-keeping, including Clery Act reporting and disclosure, without the inclusion of identifying information about the alleged victim. It will also maintain as confidential any interim measures or remedies provided to the alleged victim to the extent that maintaining confidentiality will not impair its ability to provide the interim measures or remedies.

Third parties and/or bystanders may also report using the methods above.

In addition to internal reporting, the School strongly encourages anyone who believes they have experienced a sexual assault (or any other crime) to make a report to local law enforcement. Designated staff will, upon request, assist an individual in making a report to law enforcement as necessary and appropriate. Local law enforcement for your campus may be contacted at: (312) 745-4290 for Chicago and (847) 882-3586 for Schaumburg.

Collection and preservation of physical evidence relating to the reported sexual assault is essential for law enforcement investigations, so prompt reporting of the incident to law enforcement is especially critical. No-cost medical forensic examinations are available at any hospital emergency room. Although we strongly encourage complainants to report to local law enforcement, such a report is not a prerequisite to the School's review and investigation of any complaint covered by this Policy. The School will honor a Complainant's request not to report the matter to local law enforcement UNLESS we have a reasonable basis to believe that the safety and security of the campus community is at risk. In this event, the School will endeavor to

notify a Complainant or Reporter of the institution's intent to report the matter to law enforcement in advance of any such report.

The School does not limit the time frame for reporting under this Policy, although a delay in reporting may impact the School's ability to take certain actions.

Other Code of Conduct Violations: The School encourages students who have been the victim of Sexual Misconduct or Relationship Violence to come forward. Students should not be discouraged from reporting such incidents because they fear discipline for their own violations of the Student Code of Conduct, such as use of alcohol in School housing. Any student who reports, in good faith, an alleged violation of this Policy shall not receive a disciplinary sanction for a student conduct violation that is revealed in the course of such a report, unless the violation is determined to be egregious including, without limitation, an action that places the health or safety of any other person at risk.

III. Response Procedure

Students are encouraged to report any incident of Sexual Misconduct or Relationship Violence to the Title IX Coordinator, Deputy Title IX Coordinator, the Director of Student Services, or the Campus President. If a report is made verbally, the School will request a written statement by the student.

Upon receipt of a report, the School will generally proceed as described below.

A. Investigation Commencement

The School will provide a timely and thorough investigation. Barring exigent circumstances, cases of Sexual Misconduct and Relationship Violence will generally be resolved within a 60 day period once the incident has been reported. An extension of time may be necessary if witnesses are unavailable or uncooperative or due to other extenuating circumstances beyond the control of the investigator.

B. Initial Response

Once the School is put on notice of possible Sexual Misconduct and Relationship Violence, the Complainant will be offered appropriate confidential support, accommodations, and other resources and will be notified of applicable policies and procedures. Accommodations include the ability to move to different housing, to change work schedules, to alter academic schedules, to withdraw from/retake a class without penalty, and to access academic support. The Respondent also will be offered appropriate resources and notified of applicable policies and procedures.

C. Interim Intervention

Pending a final determination, the Title IX Coordinator and/or Student Services staff will take appropriate interim measures. These measures may include, but are not limited to, the imposition of a no-contact order and/or employment, transportation, residence, and academic modifications. Student Services staff may limit a student or organization's access to certain School facilities or activities pending resolution of the matter. The School may impose an Interim Suspension on the Respondent pending the resolution of an alleged violation when the School determines, in its sole discretion, that it is necessary in order to protect the safety and well-being of members of the campus community.

D. Decision to Proceed to Investigation

If the Complainant is willing to participate in the review and investigation process, the School will proceed as described below in Section III (E). The Title IX Coordinator will choose investigators that do not have a conflict of interest or bias for or against any parties involved in the potential Policy violation, and who receive at least annual training on issues related to sexual assault, domestic violence, dating violence, and stalking. The Complainant will receive notice of the individual with the authority to make a finding or impose a sanction and have the opportunity to request a substitute if there is a conflict of interest.

If the Complainant requests a confidential investigation, the School will seek to protect the privacy and confidentiality of the Complainant to the extent possible and allowed by law. The Title IX Coordinator will evaluate any request for confidentiality in the context of the School's responsibility to provide a safe and nondiscriminatory environment to all members of its community.

If a confidential investigation is requested and agreed to, the School will investigate without revealing the name of the Complainant in any interview or email and will not ask questions that inadvertently or reasonably could reveal the identity of the Complainant.

If the Complainant asks that the report of sexual misconduct not be pursued, the School will consider the interests of the Complainant, the campus community, law enforcement, and/or other appropriate interests under the circumstances. The School, in consultation with the Title IX Coordinator, will make a final decision on whether and to what extent it will conduct an investigation, and notify the Complainant promptly.

In the event that a campus-wide alert related to the incident is deemed necessary, the campus shall generally attempt to notify the Complainant of the alert and its content before it is circulated. If the campus is unable to contact the Complainant in a timely fashion, or otherwise deems it necessary, the message may be sent without his/her review.

E. Investigation Procedure

Investigators do not function as advocates for either Complainants or Respondents. Investigators can, however, identify advocacy and support resources for either Complainants or Respondents.

The Respondent will receive written notice of the report and the nature of the alleged misconduct. He/She will be advised in writing of the investigation process and opportunity to provide any relevant evidence.

The Investigation will generally be conducted by the Director of Student Services for the campus (or any other individual appointed by the Title IX Coordinator) if the Respondent is a student. If the Respondent is a faculty or staff member, Employee Relations will also participate in the investigation.

The investigator will separately interview both Complainant and Respondent. Both parties will be able to provide evidence and suggest other witnesses to be interviewed. The investigator will interview other relevant witnesses and review any other available relevant evidence. Both the Complainant and Respondent can have another individual present during their own respective interviews. If the Complainant or Respondent elects, they may have an attorney present during their own interview, but said attorney may not advocate during the interview.

F. Determinations

1. For cases where the Respondent is a student.

The investigator will present all evidence to the Title IX Coordinator (or his/her designated Deputy Title IX Coordinator). In all cases, the Title IX Coordinator or the designated Deputy Title IX Coordinator will be appropriately trained regarding handling and considering sexual misconduct and relationship violence cases.

The Title IX Coordinator will weigh the evidence presented and decide whether additional evidence is necessary for consideration. Ultimately, the Title IX Coordinator will make a determination of whether a violation of the Sexual Misconduct & Relationship Violence Policy or any other policy has occurred.

The School reserves the right to convene a Determination Panel to review the evidence and make the determination in appropriate circumstances.

2. For cases where the Respondent is a Faculty or Staff Member.

The investigator will present all evidence to the Ethics Committee of EDMC. The Ethics Committee will be appropriately trained regarding handling and adjudicating sexual misconduct and relationship violence cases. The Ethics Committee will weigh the evidence presented and

make a determination whether a violation of the Sexual Misconduct & Relationship Violence Policy or any other policy has occurred.

G. Standard of Proof

In all cases under the Sexual Misconduct policy, the Title IX Coordinator (or designee) or the Ethics Committee will determine if a violation of policy has occurred by the preponderance of evidence standard. Thus, they will determine whether it is more likely than not that a violation has occurred.

H. Potential Sanctions

If a violation of policy has been found, the Title IX Coordinator or the Ethics Committee will impose appropriate sanctions, including but not limited to coaching, training, probation, suspension, or expulsion in the case of students or coaching, training, written warning, demotion, or termination in the case of employees.

I. Outcome Notifications

Both the Complainant and Respondent will be notified in writing of the outcome of the investigation and of the sanctions imposed, if any.

J. Appeals

If the Complainant or Respondent is a student, he or she may appeal the outcome determination by written appeal to the Campus President within 15 business days of notification of the outcome. An appeal may be made based only on one or more of the following reasons:

1. New and significant evidence appeared that could not have been discovered by a properly diligent charged student or complainant before or during the original investigation and that could have changed the outcome.
2. The Finding is Arbitrary and Capricious: Reading all evidence in the favor of the non-appealing party, the finding was not supported by reasonable grounds or adequate consideration of the circumstances. In deciding appeals, the Campus President is allowed to make all logical inferences in benefit of the non-appealing party.
3. Disproportionate Sanctions: The sanctions were disproportionate to the findings.

The appeal shall consist of a written statement requesting review of the conduct decision or sanction and explaining in detail the basis for the appeal. The Campus President, or designated representative, will notify the non-appealing party of the request for an appeal. Within five business days of receipt of the notice, the non-appealing party may submit a written statement to be included in the case file. The appeal may proceed without the non-appealing party's written statement if it is not submitted within the designated time limit.

The Campus President will endeavor to make a determination of the appeal within 15 business days of receipt. The President's decision is final.

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- **Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts in which a person 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.

The following also constitute violations of this Policy:

- **Complicity:** Assisting, facilitating, or encouraging the commission of a violation of this Policy.

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E. Title IX Coordinator & Deputy Coordinators

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In addition, the University has other individuals who serve as Deputy Title IX Coordinators to help oversee investigations and determination proceedings under this Policy.

II. Resources and Contact Information

Victims of Sexual Misconduct and Relationship Violence (including sexual harassment and sexual assault) have rights under the crime victims bill of rights, including the right to assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety. See MN Stat. 611A.01, *et seq.*

For more information, please visit the Minnesota Department of Public Safety's website at: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/default.aspx>

Victims of sexual violence possess rights under Minnesota State Statutes section 135A.15. These rights include the following:

1. The victim has the right to file criminal charges with local law enforcement officials.
2. Local University authorities, at the request of the victim, will provide assistance in notifying the appropriate law enforcement officials and disciplinary authorities of any incident of sexual assault.
3. At the direction of law enforcement authorities, the University will provide complete and prompt assistance in obtaining, securing, and maintaining evidence in connection with an incident of sexual assault.
4. University authorities will provide assistance to the sexual assault victim or complainant in preserving materials relevant to a campus disciplinary proceeding.
5. All sexual assault complaints will be investigated and resolved consistent with the standards in this policy.
6. The victim may be accompanied by an attorney or other support person at, and may participate in, any campus disciplinary proceeding concerning the sexual assault complaint.
7. The victim will be informed of the outcome of any campus disciplinary proceeding concerning the sexual assault complaint, consistent with laws relating to data practices.
8. At the request of the sexual assault victim, University authorities in cooperation with appropriate law enforcement authorities will provide assistance in shielding the victim from unwanted contact with the alleged assailant, including transferring the victim to alternative classes or alternative University-owned housing, if alternative classes or housing are available and feasible.
9. University authorities will inform sexual assault victims of their rights to assistance from the office of the Crime Victim Ombudsman and the Crime Victims Reparations Board and will provide assistance in contacting these offices.

All students have complimentary access to Talk One-2-One counseling services for a range of personal problems including family and marital issues, stress, anxiety, and depression. These services include up to 4 confidential face-to-face or telephone counseling sessions, as well as a crisis hotline open 24 hours per day, 7 days per week. Talk One-2-One's counselors are licensed, experienced, and easy to talk to. To schedule an appointment, call 1-888-617-3362. This is a no charge, confidential service to SCHOOL.

In addition, the following local organizations provide victim / survivor services:

- Cornerstone Advocacy Crisis Line
952-884-0330
- Alexandra House, in partnership with the Minnesota Coalition for Battered Women
866-223-1111
- Crisis Connection
612-379-6363
- Hennepin County Mental Health - COPE
612-596-1223
- Boynton Health Service (after hours recorded info) 612-625-7800 or 612-625-8400
- Fairview-University Medical Center Emergency Room
612-273-3000

If a student who reported a violation of the Sexual Misconduct & Relationship Violence Policy decides to transfer to another postsecondary institution after making a report under this policy, the University will provide the student with information regarding available resources for victims of sexual assault at their new institution.

III. Reporting & Confidentiality

We encourage victims of Sexual Misconduct & Relationship Violence to talk to somebody about what happened – so they can get the support they need, and so the University can respond appropriately.

Different employees on campus have different abilities to maintain confidentiality:

- **CONFIDENTIAL REPORTING:** Some individuals are required to maintain near complete confidentiality. These include professional counselors such as those provided by Talk One-2-One counselling services. These individuals can provide resources and generally talk to a victim without revealing any personally identifying information about an incident to the University. A victim can seek assistance and support from these individuals without triggering a University investigation. A victim may also make an anonymous report by using our online reporting system, accessible through the "Help/Contact Us" link on the Student Portal. A report made through this medium may trigger an investigation.
- **NON-CONFIDENTIAL REPORTING.** Other than professional counsellors defined above, most other employees and contractors are required to report all the details of an incident to the Title IX coordinator. A report to these employees (called "responsible employees") constitutes a report to the University and generally obligates the University to investigate the incident and take appropriate steps to address the situation. The following campus employees (or categories of employees) are examples of responsible

employees: the Title IX Coordinator, all Deputy Title IX Coordinators, President, Director of Student Services, other Student Services staff, Housing staff, Academic Advisors, the Security Team (including contract security personnel), all full-time and adjunct Faculty, Human Resources, and Employee Relations. A victim may also make a report by using our online reporting system, accessible through the “Help/Contact Us” link on the Student Portal. A report made through this medium may trigger an investigation.

Except as required by Title IX, the University will only disclose data collected under this Policy to the victim of Sexual Misconduct and Relationship Violence, persons whose work assignments reasonably requires access, and, at a sexual assault victim’s request, to police conducting a criminal investigation or to the victim’s legal representative or support person.

The University will seek to protect the privacy and confidentiality of the individuals involved in any report of alleged Sexual Misconduct or Relationship Violence to the extent possible and allowed by law. The Title IX Coordinator will evaluate any request for confidentiality in the context of the University’s responsibility to provide a safe and nondiscriminatory environment to all members of its community.

In the event that a campus-wide alert related to the incident is deemed necessary, the campus shall generally attempt to notify the Complainant of the alert and its content before it is circulated. If the campus is unable to contact the Complainant in a timely fashion, or otherwise deems it necessary, the message may be sent without his/her review.

The University will complete any publicly available record-keeping, including Clery Act reporting and disclosure, without the inclusion of identifying information about the alleged victim. It will also maintain as confidential any interim measures or remedies provided to the alleged victim to the extent that maintaining confidentiality will not impair its ability to provide the interim measures or remedies.

In addition to internal reporting, the University strongly encourages anyone who believes they have experienced a sexual assault (or any other crime) to make a report to local law enforcement.

A report may be made to the Minneapolis Police Department’s Sex Crimes Unit. Those wishing to make a report may contact the Sex Crimes Unit at Sex Crimes Unit at 612-871-5111 or on their website at:

http://www.minneapolismn.gov/police/about/investigations/police_about_sexcrimes.

Collection and preservation of evidence relating to the reported sexual assault is essential for law enforcement investigations, so prompt reporting of the incident to law enforcement is especially critical.

Designated school staff will promptly, upon request, assist an individual in making a report to the appropriate law enforcement should the individual choose to do so.. Further, school staff, at the direction of law enforcement, will assist with obtaining, securing and maintaining evidence in connection with a sexual assault incident, when requested.

Although Argosy University, Twin Cities strongly encourages complainants to report to local law enforcement, such a report is not a prerequisite to the school’s review and investigation of any complaint covered by this Policy. The school will honor a Complainant’s request not to report the matter to local law enforcement.

The University does not limit the time frame for reporting under this Policy, although a delay in reporting may impact the University's ability to take certain actions.

Throughout the reporting process, a victim may be asked to repeat their description of the incident numerous times in order to fully and fairly investigate the allegations raised, but the University will endeavor to limit the number of times this occurs. It is the victim's decision when to elect to repeat their description of the incident.

If the victim decides to provide the University with a description of the incident, the school will provide that statement to the victim of Sexual Misconduct and Relationship Violence or, if the victim transfers to another post-secondary institution, to that post-secondary institution. In disclosing this information, the school will comply with all state and federal laws governing access to student records, including the Family Educational Rights and Privacy Act of 1974 (FERPA).

Amnesty for Drug and Alcohol Violations: Argosy University, Twin Cities encourages victims and witnesses of Sexual Misconduct or Relationship Violence to come forward. Victims and witnesses should not be discouraged from reporting such incidents because they fear discipline for their own violations of University policies regarding the use of alcohol or drugs. Therefore, the school will not sanction a witness or victim of an incident of Sexual Misconduct or Relationship Violence whose good faith report of the incident includes an admission to using drugs or alcohol in violation of school policies.

IV. Response Procedure

Students are encouraged to report any incident of Sexual Misconduct or Relationship Violence to the Title IX Coordinator, Deputy Title IX Coordinator, the Director of Student Services, or the Campus President. If a report is made verbally, the University will request a written statement by the student.

When receiving a report, all school authorities will treat the victim with dignity. At no time will school authorities suggest that a victim is at fault for the crime or violation that occurred, or that the victim should have acted in a different manner to avoid the crime.

The school will preserve, to the extent possible and practicable, information related to all stages of the complaint process.

Upon receipt of a report, the school will generally proceed as described below.

A. Investigation Commencement

The school will provide a timely and thorough investigation. Barring exigent circumstances, cases of Sexual Misconduct and Relationship Violence will generally be resolved within a 60 day period once the incident has been reported. An extension of time may be necessary if witnesses are unavailable or uncooperative or due to other extenuating circumstances beyond the control of the investigator.

B. Initial Response

Once the school is put on notice of possible Sexual Misconduct and Relationship Violence, the Complainant will be offered appropriate confidential support, accommodations, and other

resources (including fair and respectful health care, counseling services or provide referrals to such services) and will be notified of applicable policies and procedures. Accommodations include the ability to move to different housing, to change work schedules, to alter academic schedules, to withdraw from/retake a class without penalty, and to access academic support. The Respondent also will be offered appropriate resources and notified of applicable policies and procedures.

C. Interim Intervention

During and after the investigation and disciplinary procedure, school authorities, in cooperation with law enforcement as appropriate and at the victim's request, the school will shield the victim from unwanted contact from the accused. These measure may include transferring the victim to alternative classes or to alternative college-owned housing, if alternative classes or housing are available and feasible.

Furthermore, pending a final determination, the Title IX Coordinator and/or Student Services staff will take appropriate interim measures. These measures may include, but are not limited to, the imposition of a no-contact order and/or employment, transportation, residence, and academic modifications. Student Services staff may limit a student or organization's access to certain school facilities or activities pending resolution of the matter. The school may impose an Interim Suspension on the Respondent pending the resolution of an alleged violation when the school determines, in its sole discretion, that it is necessary in order to protect the safety and well-being of members of the campus community.

D. Decision to Proceed to Investigation

If the Complainant is willing to participate in the review and investigation process, the school will proceed as described below in Section IV (E).

If the Complainant requests a confidential investigation, the school will seek to protect the privacy and confidentiality of the Complainant to the extent possible and allowed by law. The Title IX Coordinator will evaluate any request for confidentiality in the context of the school's responsibility to provide a safe and nondiscriminatory environment to all members of its community.

If a confidential investigation is requested and agreed to, the school will investigate without revealing the name of the Complainant in any interview or email and will not ask questions that inadvertently or reasonably could reveal the identity of the Complainant.

If the Complainant asks that the report of sexual misconduct not be pursued, the University will consider the interests of the Complainant, the campus community, law enforcement, and/or other appropriate interests under the circumstances. The University, in consultation with the Title IX Coordinator, will make a final decision on whether and to what extent it will conduct an investigation, and notify the Complainant promptly.

E. Investigation Procedure

Investigators do not function as advocates for either Complainants or Respondents. Investigators can, however, identify advocacy and support resources for either Complainants or Respondents.

The Respondent will receive written notice of the report and the nature of the alleged misconduct. He/She will be advised in writing of the investigation process and opportunity to provide any relevant evidence.

The Investigation will generally be conducted by the Director of Student Services for the campus (or any other individual appointed by the Title IX Coordinator) if the Respondent is a student. If the Respondent is a faculty or staff member, Employee Relations will also participate in the investigation.

The investigator will separately interview both Complainant and Respondent. Both parties will be able to provide evidence and suggest other witnesses to be interviewed. The investigator will interview other relevant witnesses and review any other available relevant evidence. Both the Complainant and Respondent can have another individual present during their own respective interviews.

If the Complainant or Respondent elects, they may have an attorney or other support person who is not a fact witness to the sexual assault present during their own interview, but said attorney may not advocate during the interview.

F. Determinations

1. For cases where the Respondent is a student.

The investigator will present all evidence to the Title IX Coordinator (or his/her designated Deputy Title IX Coordinator). In all cases, the Title IX Coordinator or the designated Deputy Title IX Coordinator will be appropriately trained regarding handling and considering sexual misconduct and relationship violence cases.

The Title IX Coordinator will weigh the evidence presented and decide whether additional evidence is necessary for consideration. Ultimately, the Title IX Coordinator will make a determination of whether a violation of the Sexual Misconduct & Relationship Violence Policy or any other policy has occurred.

The University reserves the right to convene a Determination Panel to review the evidence and make the determination in appropriate circumstances.

2. For cases where the Respondent is a Faculty or Staff Member.

The investigator will present all evidence to the Ethics Committee of EDMC. The Ethics Committee will be appropriately trained regarding handling and adjudicating sexual misconduct and relationship violence cases. The Ethics Committee will weigh the evidence presented and make a determination whether a violation of the Sexual Misconduct & Relationship Violence Policy or any other policy has occurred.

G. Standard of Proof

In all cases under the Sexual Misconduct policy, the Title IX Coordinator (or designee) or the Ethics Committee will determine if a violation of policy has occurred by the preponderance of evidence standard. Thus, they will determine whether it is more likely than not that a violation has occurred.

H. Potential Sanctions

If a violation of policy has been found, the Title IX Coordinator or the Ethics Committee will impose appropriate sanctions, including but not limited to coaching, training, probation, suspension, or expulsion in the case of students or coaching, training, written warning, demotion, or termination in the case of employees.

I. Outcome Notifications

Both the Complainant and Respondent will be notified in writing of the outcome of the investigation and of the sanctions imposed, if any.

J. Appeals

If the Complainant or Respondent is a student, he or she may appeal the outcome determination by written appeal to the Campus President within 15 days of notification of the outcome. An appeal may be made based only on one or more of the following reasons:

1. New and significant evidence appeared that could not have been discovered by a properly diligent charged student or complainant before or during the original investigation and that could have changed the outcome.
2. The Finding is Arbitrary and Capricious: Reading all evidence in the favor of the non-appealing party, the finding was not supported by reasonable grounds or adequate consideration of the circumstances. In deciding appeals, the Campus President, or their designee, is allowed to make all logical inferences in benefit of the non-appealing party.
3. Disproportionate Sanctions: The sanctions were disproportionate to the findings.

The appeal shall consist of a written statement requesting review of the conduct decision or sanction and explaining in detail the basis for the appeal. The Campus President, or designated representative, will notify the non-appealing party of the request for an appeal. Within five working days of receipt of the notice, the non-appealing party may submit a written statement to be included in the case file. The appeal may proceed without the non-appealing party's written statement if it is not submitted within the designated time limit.

The Campus President will endeavor to make a determination of the appeal within 15 business days of receipt. The President's decision is final.

V. No Retaliation

Argosy University, Twin Cities expressly forbids retaliation against victims of sexual assault by campus authorities, the accused, organizations affiliated with the accused, other students and other employees.

Complaints of retaliation will be investigated in accordance with Argosy University, Twin Cities Academic Catalog and/or EDMC's Employee Handbook, depending on the circumstances and parties involved in the alleged retaliatory conduct.