

# DeVry | Education Group

<b>Policy Name:</b>	DeVry University Policy on Sex and Gender Based Misconduct Response and Prevention							
<b>Policy Category:</b> <i>(Select One)</i>	Policy, Compliance and Legal							
<b>Policy Owner:</b>	Sr Dir, Ethic & Compl Svc							
<b>Policy Administrator:</b>	Associate Title IX Consultant							
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## I. Purpose

This policy applies to complaints or reports of alleged sex and/or gender-based misconduct. DeVry Education University (“DVU”) expressly prohibits sex and/or gender-based misconduct which includes sexual harassment, sexual assault, rape, domestic violence, dating violence, stalking, sexual exploitation, and gender-based harassment. Any acts that meet this policy’s definitions of sex and/or gender-based misconduct are a violation of DVU’s policy, and potentially applicable state and federal law. DVU is committed to fostering an environment where any alleged violation of this policy is promptly reported and complaints are resolved in a fair and timely manner.

Creating a safe environment is the responsibility of all members of the community. Regardless of the definitions provided below, anyone who believes they are a victim of sex and/or gender-based misconduct should report the incident as soon as possible to the Title IX Coordinator or the campus complaint administrator in addition to seeking immediate medical and/or safety assistance.

## II. Scope

This policy applies to all members of the DVU community, and includes, but is not exclusive to faculty, staff, students, DVU visitors, volunteers, vendors, and persons related to, receiving or seeking to receive services, or otherwise pursuing studies with DVU. It also applies, as appropriate, to any alleged act of sex and/or gender-based misconduct that adversely impacts the DVU community, whether those acts occur on or off property.

## III. Definitions

“**Clery Act**” refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46. The Clery Act requires that institutions annually disclose certain crimes which have occurred within a geography that includes campus buildings and adjacent locations. Annual disclosures are released on or by the 1<sup>st</sup> day of October each year.

“**Code of Conduct applicable to students**” refers to the DVU policy most commonly titled “Code of Conduct” which is accessible in DVU student handbooks. It outlines

students' rights and responsibilities, as well as the process by which action may be taken against a student for Code violations.

**“Colleague Code of Conduct”** refers to the “DeVry Code of Conduct and Ethics” ([http://www.devryeducationgroup.com/resources/pdfs/code\\_of\\_conduct.pdf](http://www.devryeducationgroup.com/resources/pdfs/code_of_conduct.pdf)) which is applicable to colleagues at all DeVry Education Group institutions and offices and outlines colleagues' rights and responsibilities.

**“Colleague complaint procedure”** is the vehicle by which colleagues can bring to the management's attention any complaint relating to their experience with DVU or a member of the DVU community. It is the mechanism for investigating and trying to resolve complaints raised by colleagues and can be found in the DeVry Commons ([www.thedevrycommons.com](http://www.thedevrycommons.com) > My Self-Serve > Resources).

**“Complaint administrator”** is a DVU institution colleague or DeVry Education Group representative responsible for conducting an investigation when a complaint of sex and/or gender-based misconduct is raised. To find the complaint administrator at any given location or for a particular complaint, consult the location's student handbook, student services, student affairs, or the Title IX Coordinator.

**“Conduct administrator”** is an official authorized to administer disciplinary proceedings for respondents who may have violated the Code of Conduct applicable to students. A conduct administrator may serve as the sole member or as a participant in the conduct panel. Nothing shall prevent DVU from authorizing the same conduct administrator to impose sanctions in all cases at a single or multiple locations.

**“Conduct panel”** means any person or persons authorized by the conduct administrator to determine whether a respondent has violated the Code of Conduct applicable to students and to determine appropriate sanctions.

**“Consent”** is a voluntary, conscious, affirmative agreement to engage in a specific sexual act. Consent can only exist free from intimidation, force, threat of force or coercion. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but voluntary conscious, affirmative consent to any sexual activity is equivalent to “no” for purposes of this policy. While the legal definition of consent varies by jurisdiction (See “Related Information” for a link to consent statutes by state), the following general rules apply when assessing whether consent has been/was given.

- Consent can never be assumed.
- Consent cannot be implied from either the lack of explicit consent or the lack of explicit dissent.
- Where there is use of threat, force or restraint by the accused, the lack of verbal or physical resistance or the submission by the victim does not constitute consent.
- The manner of dress of the victim does not constitute consent.
- Past consent to sexual contact and/or a shared sexual history does not imply consent to future sexual contact.
- Consent to sexual activity with one person does not constitute consent to sexual activity with another person.

- A person who initially consents to sexual contact including penetration may withdraw continued consent at any time during the course of that interaction. When consent is withdrawn or can no longer be given, engagement in sexual activity must stop.
- Consent to some form of sexual activity cannot automatically be taken as consent to any other form of sexual activity.
- 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: the person is incapacitated due to use or influence of alcohol or drugs; the person is asleep or unconscious; the person is under age; or the person is incapacitated due to a mental disability.
- Consent is required regardless of whether the person initiating sexual activity is under the influence of drugs and/or alcohol.
- A power differential between people engaged in a sexual act presumes the inability to consent for the less powerful person (e.g. the student in a student-colleague interaction; the supervisee in a direct report-supervisor interaction).

“**Coordinator**” refers to the Title IX Coordinator. Ms. Mikhel Kushner, Associate Title IX Consultant ([mkushner@devrygroup.com](mailto:mkushner@devrygroup.com) or 630-515-5440) and Mr. Mark Ewald, Senior Director for Ethics and Compliance Services ([mewald@devrygroup.com](mailto:mewald@devrygroup.com) or 630-353-1437) are responsible for overseeing compliance with all aspects of this policy and designated to receive and monitor resolution for all Title IX reports.

“**CRC**” refers to the Coaching Resource Center which is available to managers to assist in addressing colleague relations concerns including complaints about colleague or vendor conduct.

“**Dating violence**” means sex or gender-based violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. While no form of violence is ultimately desirable, a distinction should be made between violent acts representing an effort to exert power and control within a dating relationship and defensive acts taken in response to ongoing verbal, psychological or physical abuse by a dating partner.

“**Domestic violence**” refers to sex or gender-based violence committed by either a current or former spouse of the victim; a person with whom the victim shares a child in common; a person who is or has cohabitated with the victim as a spouse; a person similarly situated to a spouse of the victim under the jurisdictional domestic or family violence laws; or any other person against a victim who is protected from that person's acts under the jurisdictional domestic or family violence laws. Based on jurisdictional definitions, domestic violence may constitute a felony or misdemeanor crime. While no form of violence is ultimately desirable, a distinction should be made between violent acts representing an effort to exert power and control within a domestic relationship and defensive acts taken in response to ongoing verbal, psychological or physical abuse by a domestic partner.

“**DVU**” means DeVry University and its Keller Graduate School of Management.

“**FERPA**” means the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 C.F.R. Part 99. FERPA sets certain limits on the disclosure of student records. This policy is designed to work in tandem with FERPA, and nothing in this policy is intended to require or encourage non-compliance with FERPA.

“**Gender-based misconduct**” refers to unwelcome conduct, including harassment, of an unacceptable nature based on actual or perceived biological sex including behaviors based on gender identity, expression and nonconformity with gender stereotypes.

“**Member of the DVU community**” includes students, faculty members or staff, and any other individuals associated with DVU. The conduct administrator, complaint administrator, incident commander and/or Title IX Coordinator shall determine a person’s status in a particular situation.

“**Notice**” refers to any information regardless of whether it is direct, indirect, partial or complete received by a colleague that indicates possible sex or gender-based misconduct. When notice is received, colleagues are required to inform the Title IX Coordinator or their supervisor who in turn must make a report to the Title IX Coordinator.

“**One-up manager**” is a colleague’s manager’s manager. It is the person responsible for receiving a colleague’s complaint when his/her direct manager is implicated in that complaint.

“**Policy**” is defined as a general administrative or operational direction with broad application throughout DeVry Education Group and/or one or more of its institutions.

“**Rape**” is any 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 and/or by force. Rape may involve strangers or people who know one another (e.g. friend, classmate, relative, spouse or co-worker). In these instances, rape is often referred to as “acquaintance rape.” Rape is a crime regardless of a relationship or lack thereof between individuals.

“**Sexual assault**” is non-consensual sexual contact defined as physical contact of a sexual nature against the victim’s will or without the victim’s consent. It includes any intentional sexual touching, however slight, by direct physical contact or by use of any object, by a person upon another person, without consent and/or by force. Rape is a severe form of sexual assault.

“**Sexual contact**” means the deliberate touching of a person’s intimate body parts (including lips, genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using force to cause self-touching by another person of intimate body parts.

“**Sexual exploitation**” occurs when a person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of themselves or any other person that is not the person being exploited by the behaviors. Examples include but

are not limited to: invasion of sexual privacy; prostitution; non-consensual recording of nudity or sexual activity; voyeurism; knowingly exposing someone to an STI, STD or HIV; intentional exposure of genitals in non-consensual circumstances; and sex-based stalking or bullying.

**“Sexual harassment”** refers to unwelcomed sex or gender-based advances, requests for favors or other verbal, written, online and/or physical conduct. Sexual harassment occurs when a person is the recipient of conduct of a sexual nature where: (1) Submission to, or toleration of, such conduct is made either explicitly or implicitly a term or condition of the student’s education or colleague’s employment; or (2) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions about the student or professional decisions about the colleague; or (3) Such conduct is sufficiently severe or persistently pervasive and objectively offensive thereby having the purpose or effect of unreasonably interfering with a person’s ability to participate in or benefit from DVU’s educational, employment, social or other related programs.

**“Sex and gender-based misconduct”** is a broad term used to refer to all conduct prohibited by this policy. This encompasses sexual harassment, gender-based harassment, dating violence, domestic violence, rape, sexual assault, sexual exploitation and stalking. Sex and gender-based misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sex and gender-based misconduct can be committed by any person regardless of sex, gender or sexual orientation of the victim or perpetrator.

**“Stalking”** is a course of behavior directed at a specific person that would cause a reasonable person to feel fear for personal safety, or repetitive, menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another.

**“Student complaint procedure”** is the vehicle by which students can bring to DVU’s attention any complaint relating to their experience with DVU or a member of the DVU community. It is the mechanism for investigating and attempting to resolve complaints raised by students. The student complaint procedure can be found in DVU institution student handbooks.

**“Speak Up”** refers to SpeakUpDeVryGroup, a reporting system managed by a third party vendor (EthicsPoint), which encourages members of the DVU community to come forward with questions or concerns, including allegations of sex and/or gender-based misconduct. Reports can be made anonymously or reporters can provide their name and contact information. Colleagues are expected to ask legal, compliance and ethics questions and report suspected wrongdoing. Colleagues and students can utilize the SpeakUp program by contacting the third party contractor EthicsPoint by phone at 1-866-421-0617 or on-line at [www.speakupdevrygroup.ethicspoint.com](http://www.speakupdevrygroup.ethicspoint.com).

**“Title IX”** is a federal law which prohibits sex and gender discrimination in U.S. education. Under Title IX, sex and gender-based misconduct are forms of discrimination that require investigation and appropriate remediation when students,

colleagues, or other members of the educational institution's community are impacted. Title IX is enforced by the U.S. Department of Education.

“**VAWA**” refers to the Violence Against Women Act, 34 CFR Part 668. VAWA supports community resources for victims of rape, sexual assault, stalking, dating violence and domestic violence and articulates expectations regarding the management of related concerns when a report is made to representatives of U.S. colleges and universities.

**DVU**” means DeVry University and its Keller Graduate School of Management

#### **IV. Policy Statement**

##### **Prevention and Awareness**

Acts that are deemed to fall within the scope of this policy are violations of the Codes of Conduct, as well as the expectations of members of the DVU community. These acts may also be crimes. In an effort to increase the likelihood of intervention and reduce the risk of sex and/or gender-based misconduct from occurring among its students and colleagues, DVU is committed to providing primary and ongoing awareness and prevention programming.

Primary and ongoing awareness and prevention programs will cover the continuum of issues contemplated by this policy. Themes will include situational awareness and prevention strategies such as bystander intervention and other forms of risk reduction. While *bystander intervention* specifically refers to the safe and effective ways in which third parties can intervene to thwart sex and/or gender-based misconduct, *risk reduction* also encompasses various strategies to eliminate or reduce risk of harm by avoiding or removing oneself from situations that are dangerous or uncomfortable.

*Awareness programs* are events that occur online or in person that invite active engagement of community members. It is the expectation and responsibility of each member of the DVU community to participate in programming which will assist with ongoing prevention efforts, as well as effective and efficient identification and response when sex and/or gender-based misconduct does occur.

*Primary prevention and awareness programming* will include a comprehensive online education platform intended for viewing by all colleagues and students, as well as student-facing vendors if necessary and appropriate. The program will be completed by:

- New students and transfer students: within three weeks of formal enrollment
- Returning and continuing students who did not take the training as new or transfer students: no later than the first day of classes for the semester when they are scheduled to return or continue
- Colleagues: by the date stated in email notification and/or within 30 days of hire
- Specific vendors: by the date stated in email notification

Access to the primary prevention program and its contents will be ongoing throughout the participant's relationship with DVU. Members of the DVU community are encouraged to visit this resource regularly for personal, professional and academic purposes.

Ongoing prevention and awareness campaigns are public service announcements and campaigns, as well as messages and activities integrated into the day-to-day fabric of DVU's academic communities. These initiatives are intended to reinforce increased awareness regarding sex and/or gender-based misconduct and prevention strategies throughout the year. DVU will continually seek formal and informal ways to incorporate additional awareness and prevention strategies, e.g., active and passive educational campaigns such as social norms poster campaigns, newsletter articles, presentations and volunteerism with local community resource agencies. When additional ongoing education is provided, the organizer will report that event, activity, or effort to the Title IX Coordinator for recordkeeping and quality assurance purposes. Toolkits including ideas and resources that support ongoing efforts and are related to the primary prevention and awareness programming will be made available to any campus upon request.

Additional training will be delivered to colleagues responsible for responding to reports of sex and/or gender-based misconduct, including but not limited to complaint administrators, conduct administrators, conduct panelists, and appeal reviewers. These colleagues should complete the primary prevention and awareness programming described above, as well as remote or live training and/or consultation with the Title IX Coordinator before and during management of an allegation within the scope of this policy.

## **Reporting**

A formal complaint can be filed with a manager, one-up manager, incident commander, designated local campus administrator or through the Title IX Coordinator.

Ms. Mikhel Kushner  
Associate Title IX Coordinator  
DeVry Education Group  
3005 Highland Parkway  
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630-515-5440  
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Reports can also be made by victims, third parties or bystanders with the option to remain anonymous through the SpeakUp program (1-866-421-0617) or on-line at [www.speakupdevrygroup.ethicspoint.com](http://www.speakupdevrygroup.ethicspoint.com). Initial response to electronic reports will occur within 12 hours of initial receipt.

If a victim wishes to access local community agencies for support or law enforcement to make a report, DVU or the applicable DVU institution will assist the victim in making these contacts. Direct assistance, though limited, remains available when reports are made anonymously through SpeakUp.

Anyone may make a report regarding any information pertaining to violations of this policy. All DVU colleagues (faculty, staff, administrators, and student workers) who are not otherwise identified in this policy or through institutional addendums as confidential resources are required to immediately provide any information received about any actual or suspected sex and/or gender-based misconduct impacting the DVU community to

appropriate officials with some very narrow exceptions discussed elsewhere in this policy (see “Confidentiality”). Regardless of how notice is received, reports may prompt a need for DVU to investigate.

Any individual wishing to discuss a situation within the scope of this policy without triggering an immediate investigation should seek referral to a confidential resource such as mental health counseling services. Students may seek support through ASPIRE at 1-888-470-1531 or via [info@myASPIREonline.com](mailto:info@myASPIREonline.com) and colleagues may seek support 24 hours a day, seven days a week through GuidanceResources at 877-623-3879. General hotline and other resource information can be found at the end of this policy and focused support services can be obtained through consultation with student services, student affairs, the CRC, local human resources, or the Title IX Coordinator.

Individuals experiencing misconduct in violation of this policy are also always free to notify the U.S. Department of Education:

Office of Civil Rights (OCR) - Headquarters  
400 Maryland Avenue, SW  
Washington DC 20202-1100  
Customer Service Hotline #: (800) 421-3481

TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

Regional Offices: <http://www2.ed.gov/about/offices/list/ocr/addresses.html>

## **Support and Resources**

The DVU official who receives notification of alleged sexual and/or gender-based misconduct will offer appropriate support or refer the victim directly to immediate assistance. Assistance may initially require supported access to local medical, mental health, legal or law enforcement resources and could include academic accommodations, changes in housing for the victim or a respondent student, changes in working situations and other arrangements as may be appropriate and available (such as limiting orders, campus escorts, transportation assistance, or targeted interventions). No victim is required to take advantage of these services and resources, but DVU provides them in the hope of offering help and supporting minimal disruption to access to academic programming or the workplace. If circumstances related to an incident change over time, these and other supportive accommodation options may be revisited. DVU may also provide referrals to counseling services, at the victim’s option, including but not limited to the confidential colleague and student support services outlined above (See “Reporting”). Local resource lists can also be found by consulting with the Title IX Coordinator. A brief list of national and international referral sites can be found at the end of this policy.

## **Disciplinary Review and Action**

Acts of sex and/or gender-based misconduct are subject to disciplinary action. Disciplinary action is not intended to determine criminal responsibility. Rather it is intended to identify and respond to violations of DVU policy and community standards. Separate and distinct disciplinary action may also be considered in instances of retaliation against those who, in good faith, report or disclose an alleged violation of the comprehensive policy, file complaint,



or otherwise participate in the complaint resolution procedure. Failure by a respondent to adhere to interim protective measures will be considered a form of retaliation or an extension of the initial allegations.

When the victim chooses, or DVU believes it is necessary, a prompt, fair and impartial investigation will be initiated. In the event that a victim requests that an investigation not occur, their request will be honored when possible and unless DVU determines in good faith that failure to investigate creates a potential risk of harm to the reporting individual or other members of the community. Factors used to determine whether to adhere to such a request include, but are not limited to whether: the accused has a history of violent behavior or is a repeat offender; the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior; there is an increased risk that the accused will commit additional acts of violence; the accused is alleged to have used a weapon or force; the reporting individual is a minor; DVU possesses other means to obtain evidence; and/or available information reveals a pattern of perpetration by a specific person, at a given location, or by a particular group.

If allegations appear to be substantiated based on the totality of the circumstances, a respondent student may be subject to the Code of Conduct process, which will determine any violation of this policy based upon a preponderance of evidence (what is more likely than not). The student complaint procedure which details the investigation and resolution processes, and the Code of Conduct applicable to students, which details the student disciplinary hearing process, can be found in DVU student handbooks or online here: <http://www.devry.edu/current-students/current-students-student-handbooks.html>

If allegations of colleague misconduct are substantiated to the preponderance of evidence standard through the investigation, colleague discipline may be imposed. The colleague complaint procedure, which details the investigation and resolution processes, can be found on the Commons ([www.thedevrycommons.com](http://www.thedevrycommons.com) > My Self-Serve > Resources).

The Title IX Coordinator will monitor the investigation and resolution of reports of sex and/or gender-based misconduct and facilitate compliance with this policy. Furthermore, the Title IX Coordinator will work with campus administration to identify and initiate strategies intended to remedy the effects on the victim and the DVU community to the extent practicable and reasonable to prevent the recurrence of similar misconduct. Privacy of the records specific to sex and/or gender-based misconduct investigations is maintained in accordance with applicable law, including FERPA. Any public release of information to comply with the timely warning provisions of the Clery Act will not include the names of victims or information that could easily lead to a victim's identification. In appropriate instances, pertinent interim actions and the results of disciplinary hearings regarding the alleged perpetrator of misconduct will be disclosed to the alleged victim and/or complainant. Confidentiality will be maintained whenever possible, however DVU reserves the right to exercise discretion and disclose details of an incident or allegation to assure community safety or the safety of an individual.

It is DVU's policy to hold perpetrators of sex and/or gender-based misconduct accountable for their actions through appropriate student conduct or personnel procedures, and by working with community agencies and law enforcement as appropriate. DVU's internal review processes shall run concurrently with any criminal justice investigation and

proceeding, except for temporary delays as requested by external entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

Internal mediation between the alleged victim and respondent will not be used to resolve an allegation of sexual misconduct.

Prior sexual history with persons other than the other party in a judicial or conduct process, as well as any mental health diagnosis and/or treatment will be excluded from student conduct hearings at the student's preference. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage of a review process that determines sanction.

Investigation and response to allegations of sex or gender-based misconduct will include the following, without limitation: trauma informed assistance to the victim/survivor as appropriate; an interview with the victim/survivor; identifying and locating witnesses; contacting and interviewing the respondent; cooperating with law enforcement. In any complaint of sex or gender-based misconduct, the person bringing the accusation and the responding party are both entitled to the same opportunities for notice of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process, as well as a support person or advisor of their choice throughout the process, consistent with any guidelines set forth applicable to students or colleagues. Once complete, the parties will be informed, in writing, of the outcome. Notice to both parties will include a written statement detailing the factual findings supporting the determination and the rationale for the sanction/discipline (if any) to the degree possible and always when the sanction/discipline is directly relevant to that individual. Delivery of this outcome will not be unduly delayed to either party, and should occur in the same form and format and as near to simultaneously as possible.

### ***Sanctions for student misconduct***

Appropriate disciplinary sanctions for substantiated violations of this policy by students, up to and including expulsion, will be imposed in accordance with the Code of Conduct applicable to students found through institutional versions of this policy. The full list of available sanctions is provided in the Code of Conduct applicable to students for each institution. This policy statement is not intended to replace or substitute for the Code of Conduct applicable to students. This policy is a supplement to the community standards that the Code of Conduct applicable to students sets forth. Alleged violations of this policy will be referred to the applicable complaint administrator and/or conduct administrator for appropriate review. All parties in a student conduct proceeding will be informed at the same time and in the same manner of any final determinations, as well as the applicable appeal processes, and their rights to request an appeal. Should any change in outcome occur prior to finalization (e.g., a re-hearing ordered upon appeal), all parties will be informed at the same time and in the same manner, and will be notified when the results of the conduct process is finalized. In addition, violations of this policy may trigger application of sanctions to a student imposed under local, state, or federal law.

### ***Sanctions for colleague misconduct***

Alleged violations of this policy by colleagues will be referred to the CRC for appropriate review. Disciplinary sanctions for a colleague's violation of this policy may include written reprimand, warning, probation, suspension, housing suspension, housing expulsion, limiting order, change in job assignment, office relocation, reduction of awards under the management incentive plan, or termination of employment or contract, and will be imposed in accordance with applicable DVU policies and procedures. DVU reserves the right to impose further and/or different sanctions appropriate to an individual situation. In addition, violations of this policy may trigger application of sanctions to a colleague imposed under local, state, or federal law.

### **Reporting by colleagues to external authorities**

Colleagues who are made aware of a possible violation of this policy are required to contact their manager or one-up manager and also the Title IX Coordinator. Colleagues can also submit named or anonymous reports of sexual and/or gender-based misconduct by utilizing the DVG "Speak Up" hotline at [www.speakupdevrygroup.ethicspoint.com](http://www.speakupdevrygroup.ethicspoint.com). Colleagues should contact the Title IX Coordinator with any questions about whether a report to law enforcement is appropriate. Nothing in this policy prohibits a student or colleague from reporting a crime directly to local authorities.

Disciplinary procedures are independent of any and all procedures and proceedings under local, state, or federal criminal or civil law. In all cases, DVU reserves the right to refer cases for parallel criminal prosecution or to pursue sanctions regardless of criminal prosecution. Violations of this policy by a visitor, volunteer, vendor, agents, or other third parties affiliated with DVU may also result in the termination of pre-existing or future relationships.

### **Victim/ Survivor's Rights**

DVU will take interim steps to protect victims of sex and gender-based misconduct and maintain a positive learning and working environment by minimizing or eliminating contact between a complainant and a respondent and providing reasonable academic, employment, and administrative accommodations in accordance with the Clery Act and Title IX. Students who are victims of sex and/or gender-based misconduct may request a change in their academic arrangements by contacting student services, the Title IX Coordinator, or local leadership. Colleagues who are victims of sex and/or gender-based misconduct may request a change in their employment arrangements by contacting their one-up manager, the CRC, the Title IX Coordinator, or local leadership.

Victim/Survivor's rights include:

1. The right to notify or not notify law enforcement, and to request and receive assistance from DVU in making a report if desired.
2. The right to summary information on all available response options, such as complaint resolution procedures, including the necessary steps and potential consequences of each option whether or not a formal report is made to the institution.

3. The right to be free from undue coercion from DVU to pursue or not pursue any course of action.
4. The right to be informed of the institution's role regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a civil, criminal, or tribal court. (when applicable,)
5. The right to request and receive information on how to make a confidential report for the purposes of tracking campus crime without otherwise divulging details that would require or permit DVU to investigate and respond (when the incident has not yet been reported to a colleague required to notify the Title IX Coordinator).
6. The right to contact information for the Title IX Coordinator, available confidential advisors, community-based resources (sexual assault crisis centers or other appropriate support services), campus security and/or local law enforcement.
7. The right to be fully informed of any applicable disciplinary conduct process and procedures.
8. The same rights as the accused to attend and have a support person of their choice and/or witnesses present at student conduct hearings and any meetings leading up to such a hearing.
9. The right to be informed of the outcome of any student or colleague conduct process involving alleged sex or gender-based misconduct regardless of participation in the process leading to that outcome. In the case of student conduct proceedings, victims have the right to appeal the outcome.
10. The right to request interim protective measures and accommodations including a change in academic, employment, on-campus living, transportation or other arrangements after the alleged sex or gender-based misconduct and to be informed of the reasonably available options for those changes.
11. The right to obtain and have enforced a campus-issued limiting instruction or no contact order or a court issued order of protection or no contact order.
12. The right to be informed about DVU's ability to provide assistance, upon request, in accessing and navigating campus and/or community resources for health, mental health, advocacy, and/or other services for survivors of sexual assault, relationship violence and other forms of sexual misconduct.
13. The right to be free from any suggestion that they are at fault or should have acted in a different manner to avoid reported sex or gender-based misconduct.
14. The right to not be required to describe the incident to more representatives than absolutely necessary for proper investigation and response and under no circumstances will a victim be required to repeat details of the incident to secure appropriate accommodations.
15. The right to make an impact statement during the point in any conduct review process where the decision maker is prepared to deliberate on appropriate sanctions.

*For all colleagues:* In the event that a violation of this policy is reported to you, the victim should be provided with the above-listed options and a copy of this policy. For more specific instructions on how to properly comply with this policy, please consult the Title IX Coordinator.

### **Amnesty for Victims and Witnesses**

DVU encourages the reporting of sex and gender-based misconduct by victims and witnesses who are sometimes hesitant to report to DVU officials or participate in the resolution processes because of concern that they may be accused of policy violations, such as underage drinking or drug use at the time of the incident. It is in the best interest of the community that victims and witnesses come forward to share what they know regarding violations of this policy. To encourage reporting, victims and witnesses may be provided with educational options, rather than punitive sanctions, for minor policy violations. Similarly, DVU encourages direct assistance to those in need as a result of sex or gender-based misconduct. In instances where minor policy violations are revealed as a result of a person providing assistance to a victim, policy violations should not be overlooked, however the DVU may provide educational options, rather than punitive sanctions, to those who offer their assistance.

### **Retaliation**

DVU prohibits retaliation against anyone who reports an incident of sex and gender-based misconduct or any person who assists or participates in a proceeding, investigation or hearing relating to such allegations. Any allegation of retaliation related to the investigation or resolution of a sex or gender-based misconduct allegation will be treated as an independent Title IX complaint requiring consideration of appropriate reparative interim action, as well as investigation and resolution as described in this policy.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. All complaints of retaliation should be reported in accordance with DVU's complaint procedures. If DVU's procedures would result in students or colleagues being required to submit a complaint to the person whom they believe is retaliating, students or colleagues may submit the retaliation complaint directly to the Title IX Coordinator, or to the campus or location leader or one-up manager, who should also inform the Title IX Coordinator.

Submission of a good-faith complaint or report of sex or gender-based misconduct will not adversely affect the complainant's future academic or work environment. DVU will discipline or take other appropriate action against anyone who retaliates against any person who reports an incident of alleged sex or gender-based misconduct or who retaliates against any person who assists or participates in a proceeding, investigation or hearing related to such allegations.

### **Confidentiality**

DVU wishes to create an environment in which individuals feel free to discuss concerns and make complaints. DVU understands that complainants, witnesses, and others involved in the investigation process may be concerned about the confidentiality of the information they are sharing. In some cases, however, DVU may be obligated to take action when it becomes aware of information relating to a complaint.

Confidentiality in cases of sex and/or gender-based misconduct will be maintained to the extent permissible by law and consistent with DVU's obligations in investigating complaints. Once an individual discloses identifying information to DVU through the processes described above and in the applicable complaint procedures, that person will be considered to have filed a complaint with DVU. While the confidentiality of information received, the

privacy of individuals involved, and compliance with the wishes of the complainant or witnesses cannot be guaranteed, they will be respected to the extent possible and appropriate.

### **Confidential Resources**

The availability of confidential resources permits discussion of an incident without triggering an immediate report to the Title IX Coordinator and institutional or organizational response, both of which may result in or require that the reporter or impacted party being identified. Confidential resources also permit exploration of reporting options and possible consequences before filing a formal report. State or profession specific mandatory reporting laws related to certain types of concerns (i.e. child sexual abuse), may still trigger a requirement for a confidential resource to report an incident to identified enforcement agencies.

If students or colleagues wish to speak with someone who can assure confidentiality, they are encouraged to access counseling services available by referral through DVU's third party provider, ASPIRE, at 888.470.1531 or <http://myaspireonline.com> (for students) or GuidanceResources at 877-623-3879 (for colleagues). Additional confidential resources may be available on or off campus and vary by location. (See your institution's student handbook: <http://www.devry.edu/current-students/current-students-student-handbooks.html> or your campus specific website <http://www.devry.edu/universities/search-locations.html>)

## **V. Resources & Tools**

### **Risk Reduction Tips**

Responsibility for sexual misconduct rests with those who commit such acts. Risk reduction tips are not intended to blame the victim. There are precautions we all can take which may limit our exposure to situations which may result in non-consensual sexual acts.

- Communicate limits/ boundaries and respect the limits/ boundaries of others.
- Clearly and firmly say "No" to a sexual aggressor.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
- If someone is nearby, ask for help.
- Take responsibility for your alcohol/ drug use. Acknowledge that alcohol/ drugs lower sexual inhibitions and may make you vulnerable to someone who sees an impaired person as a sexual opportunity.
- Do not take advantage of someone's intoxication or altered state even if alcohol or drugs were consumed willingly.
- If you choose to share intimate images, pictures, videos or content with others, even those you trust, be clear about your expectations regarding how the information may be used, shared or disseminated. If such information is shared with you, do not share it with others.
- Take care of friends and ask that they take care of you.

- As a sexual initiator, clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go, or about physical and/or mental ability to consent.
- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage, your gender, your demeanor or your physical presence. Do not use or abuse that power.

### **Bystander Intervention Strategies**

Intervention by classmates, colleagues and others within proximity to the precursors or signs of possible sexual assault, sexual exploitation, dating violence, domestic violence or stalking can significantly impact the course of an interaction between a latent perpetrator and victim. Bystanders may also encourage friends, classmates and colleagues who are already experiencing victimization to seek assistance sooner than they may have without encouragement, support, or acknowledgement. Community members are encouraged to recognize warning signs and to consider possible methods of interference in various scenarios before opportunities to intervene arise. By planning ahead, we all maximize the likelihood of being empowered to take safe actions to either prevent sexual misconduct or offer paths to eliminate ongoing victimization.

When a member of the DVU community observes threatening, coercive, forceful, aggressive or harassing behavior, it is important to assess the situation to determine the best possible course of action for all concerned. Some forms of intervention are direct, while others will be less apparent to the perpetrator or others within range of the interaction. Examples include but are not limited to:

- Making up an excuse to get someone out of a dangerous situation.
- Stepping in to change the course of an interaction.
- Warning potential or perceived perpetrators that their actions may lead to severe consequences.
- Refusing to leave the company of a potential victim despite efforts by an aggressor or pursuer to get the potential victim alone.
- Remaining on the scene of observed misconduct and offering to make a statement or act as a witness subsequent to intervention by security, administration or the police.
- Taking steps to reduce alcohol or drug consumption within a potentially dangerous social situation.
- Calling and cooperating with security, administration, the police or others to assist with intervention and accountability.

- Expressing concern or offering resources when you notice someone with unexplained or frequent injuries.
- Refusing to consider sex and/or gender-based misconduct a personal or private matter between the victim and the perpetrator.

### **Procedures to Follow After a Sexual Misconduct Incident**

Victims of any sexual misconduct that might constitute a crime, including domestic violence, dating violence, sexual assault, stalking, and rape (including acquaintance rape) that impacts the DVU community have the option and are encouraged to contact local law enforcement authorities.

Whenever possible, victims should report a violation of this policy as soon as possible and preserve evidence as may be necessary to prove that domestic violence, dating violence, sexual assault, or stalking occurred, or to obtain a protection order. Victims of sexual assault or rape are strongly encouraged to report the incident as described in this policy to deter future assaults and to ensure that victims receive the services they need. Steps should be taken to help deal with physical and emotional trauma associated with the violation. Recommended steps include:

1. Go to a safe place; go somewhere to get emotional support.
2. Consider reporting the incident to the police. If requested, DVU will assist with notification.
3. Report the misconduct to the one-up manager, campus incident commander, local DVU leadership, Title IX Coordinator, or the CRC.
4. For your safety and well-being, immediate medical attention is encouraged. Being examined as soon as possible, ideally within 120 hours, is important especially in the case of rape and other forms of sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that, if at all possible, you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. Secure them in a clean paper bag or clean sheet.
5. Even after the immediate crisis has passed, consider seeking professional counseling and the support of local and specialized support agencies such as sexual assault recovery centers and domestic violence safe houses. This can help to recover from psychological effects and provide a safe environment for recovery.
6. Contact the one-up manager, Title IX coordinator, or the CRC if you need assistance with DVU related concerns, such as implementing no-contact orders or other protective measures. DVU may also liaise with local authorities to assist an individual who wishes to obtain protective or restraining orders.

Victims are not required to report an incident to law enforcement authorities, but campus authorities will assist victims who wish to do so. Anyone with knowledge about a sexual



assault or other sex or gender-based misconduct is encouraged to report it immediately to the Title IX Coordinator in order to permit a coordinated report to the applicable law enforcement authorities when appropriate. Nothing in this policy prohibits a student or colleague from reporting a crime directly to local authorities.

Please refer to the “Related Information” section of this document for a link to local resources for advice and assistance to victims.

## **VI. Related Information**

### **Resources for Victims of Sexual Misconduct**

Local Resources can be found in the Annual Disclosure reports distributed to each campus community and posted on the Student Consumer Information page of DVU web site. The reports are available by location in a drop-down menu and contain lists of local resources available to victims of sex and gender-based misconduct. The resource lists are updated annually.

To access this information, go to:

<http://www.devry.edu/studentconsumerinfo.html#title>

Additionally, the following resources exist to provide information and links to local assistance:

#### **National Sexual Assault Hotline**

1-800-656-HOPE (4673)

rainn.org

#### **National Domestic Violence Hotline**

1-800-799-7233

(TTY) 1-800-787-3224

thehotline.org

#### **National Network to End Domestic Violence**

<http://nnedv.org>

<http://womenslaw.org/> [Legal information and resources]

#### **National Stalking Resource Center**

victimsofcrime.org

#### **National Teen Dating Abuse Helpline**

1-866-331-9474

1-866-331-8453 (TTY)

loveisrespect.org

**National Suicide Prevention Hotline**

1-800-273-TALK (8255)

suicidepreventionlifeline.org

**The White House Task Force to Protect Students from Sexual Assault**

NotAlone.Gov

**Americans Overseas Domestic Violence Crisis Center**

1-866-USWOMEN (International Toll-Free)

crisis@866uswomen.org

**U.S. Embassy**

USEmbassy.gov

**School and College Organization for Prevention Educators**

***Consent Statutes Listed by State***

<https://wearescope.org/resources/consent-statutes/#list>

**Child Welfare Information Gateway**

https://www.childwelfare.gov

***State Statutes Including Mandatory Reporting Laws:***

https://www.childwelfare.gov/topics/systemwide/laws-policies/state/