



## **HARASSMENT (incl. Sexual Harassment)**

### **HARASSMENT**

VanderCook seeks to ensure that all individuals feel safe from harassment, and are able to interact with all constituents of the academic community without fear or concern.

It should be noted that as VanderCook College of Music is located on the campus of the Illinois Institute of Technology (IIT), and as VanderCook candidates and employees are considered affiliates of IIT, and that VanderCook candidates and faculty use, in addition to common areas, spaces and facilities including those designed for recreation, food service, and housing, that VanderCook and IIT policies, procedures and resources will be in effect and used as appropriate to the situation. Additional information for specific policies and procedures used by IIT can be found in the IIT Student Handbook.

VanderCook College of Music is committed to comply with the U.S. federal government's Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in education programs and activities. Furthermore, Title IX protects candidates, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All candidates (as well as other persons) are protected by Title IX – regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race or national origin – in all aspects of a recipient's educational programs and activities. (U.S. Department of Education, Office of Civil Rights, Title IX Resource Guide, April 2015).

**Consent is** freely given agreement to sexual activity.

#### **Consent is not:**

- A person's lack of verbal or physical resistance or submission resulting from use or threat of force;
- A person's manner of dress; or
- A person's past consented sexual activity with any one or more person(s) be they a past consented sexual activity partner or not.

A person is unable to provide consent or give knowing consent if the person is:

- Incapacitated due to alcohol or drugs;
- Asleep;
- Under the age 18; or
- Incapacitated due to mental disability.

A person may withdraw their consent at any time for any reason.

### **Resources**

The following information is provided should they or someone they know be a victim of harassment be it general or sexual.

**VanderCook College of Music's Title IX Coordinator** is available to oversee the compliance of Title IX in all the operations of the college:

**Dr. I-Hsuan Tsai**

Associate Professor of Music

itsai@vandercook.edu  
312.788.1134

### **VanderCook College of Music's Academic Deans**

**Professor Stacey Larson Dolan**  
**Dean of Undergraduate Studies**

sdolan@vandercook.edu  
312.788.1147

**Dr. Robert L. Sinclair**  
**Dean of Graduate Studies**

Director of Choral Activities  
rsinclair@vandercook.edu  
312.788.1144

### **IIT Public Safety**

Emergency – 312.808.6363  
Non-Emergency – 312.808.6300

### **Chicago Police Department**

Emergency – 911  
Non-Emergency – 312.745.5603

### **Confidential Advisor**

Illinois law has established the recognized role of “Confidential Advisor”, which is as an individual retained by a higher education institution who has certain mandated training and has the duty and ability to provide emergency and ongoing support to students who have experienced sexual misconduct. VanderCook has elected to contract the following provider for Confidential Advisor services:

#### **Rape Victim Advocates (RVA)**

180 N. Michigan Avenue  
Chicago, IL 60601  
<http://www.rapevictimadvocates.org>  
773.904.1062 (24-hour services)

### **Nearest Medical Facility to Campus**

Mercy Hospital  
2525 South Michigan Avenue  
Chicago, IL 60616  
312.567.2000

### **Medical Support Available on Campus**

#### **IIT Campus Student Health & Wellness Center**

IIT Tower, 10 W. 35th Street  
Suite 3D9-1 (3rd Floor)  
Chicago, IL 60616  
312.567.7550  
Open Monday through Friday, 9 a.m. to 5 p.m.

### **Community-Based Sexual Assault Crisis Centers**

#### **Chicago Rape Crisis Hotline**

888.293.2080

**Mujeres Latinas En Acción**

2124 W. 21st Place

Chicago, IL 60608

773.890.7676

[www.muiereslatinasenaccion.org/SA.html](http://www.muiereslatinasenaccion.org/SA.html)

**Rape Victim Advocates (RVA)**

180 N. Michigan Avenue

Chicago, IL 60601

312.443.9603

[www.rapevictimadvocates.org](http://www.rapevictimadvocates.org)

**RVA-Cook County Hospital Satellite**

1901 W. Harrison Street, Suite 419

Chicago, IL 60612

312.864.6112

**YWCA Metropolitan Chicago**

1 N. LaSalle Street, Suite 1150

Chicago, IL 60602

312.762.6600

**Additional Resources**

**Illinois Coalition Against Sexual Assault**

[www.icasa.org](http://www.icasa.org)

**Rape Abuse & Incest National Network (RAINN)**

[www.rainn.org](http://www.rainn.org)

**National Sexual Violence Resource Center (NSVRC)**

[www.nsvrc.org](http://www.nsvrc.org)

**Illinois Attorney General**

[www.illinoisattorneygeneral.gov](http://www.illinoisattorneygeneral.gov)

**Confidential Advisor**

The college provides the services of a trained Confidential Advisor to provide emergency and ongoing support to candidate survivors of sexual violence.

This advisor will, at a minimum, provide all of the following:

- Inform the survivor of the survivor's choice of possible next steps regarding the survivor's reporting options and possible outcomes, including without limitation reporting pursuant to VanderCook's comprehensive policy and notifying local law enforcement;
- Notify the survivor of resources and services for survivors of sexual violence, including but not limited to, student services available on campus and through community-based resources, including without limitation sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- Inform the survivor of the survivor's rights and VanderCook's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by VanderCook or a criminal or civil court;
- Provide confidential services to and have privileged, confidential communications with survivors of the sexual violence in accordance with state law;

- Upon the survivor's request, and as appropriate, liaise with campus officials, community-based sexual assault crisis centers or local law enforcement and, if requested, assist the survivor with contacting and reporting to campus officials, campus law enforcement or local law enforcement; and
- Upon the survivor's request, liaise with the necessary campus authorities to secure interim protective measures and accommodations for the survivor.

## **Reporting a Violation**

All employees of VanderCook College of Music, faculty and staff, full-time, part-time and adjunct, who are in direct contact with candidates of the college are considered "responsible employees" and must report any complaint regarding an infraction of Title IX to the Title IX coordinator or to the appropriate Dean.

Employees receiving private information from a survivor are required to report this information to the Title IX coordinator or appropriate dean for further investigation and tracking. Other than reporting this information to the appropriate person, this responsible employee is to keep this information in strict confidence.

Candidates or third parties may report an incident by contacting the Title IX coordination or appropriate dean via email, phone or in person. For convenience, a link to report such an incident is available on VanderCook's website at [www.vandercook.edu](http://www.vandercook.edu). Candidates or third parties who want to report an incident and wish to remain anonymous should contact the IIT Department of Public Safety.

Survivors wanting to receive assistance from local law enforcement should contact them directly or ask the Title IX coordinator, appropriate dean or another responsible individual to do so on their behalf.

Once a report is filed, the college will open a file to document and record all actions, conversations and to hold copies of any documents related to said report.

Once the Title IX coordinator or dean is made aware of a report of an alleged incident of harassment, including sexual violence, domestic violence, dating violence or stalking, they will, as appropriate:

- Provide a list of resources available to the survivor;
- Identify and seek to locate witnesses;
- Contact and cooperate with law enforcement;
- Provide information regarding the importance of preserving physical evidence of the sexual violence and the availability of a medical forensic examination at no charge to the survivor; and
- Provide assistance, upon the survivor's request, in accessing and navigating campus and local health and mental health, counseling or advocacy services.

If a report of harassment is received electronically, VanderCook will respond to the reporter within 12 hours and will provide procedures the survivor may follow, contact information, confidential contact information, rights to receive assistance from campus authorities, interim protective measures and accommodations, health and advocacy services and a summary of complaint resolution procedures.

## **Interim Protective Measures**

Depending upon the severity and the geographical location of the harassment, the college will work to the extent of its governance to provide interim protective measures to the survivor. These measures include working with IIT to provide safe housing should the survivor be a resident of the college dormitory or Greek Life residences; altering course schedules and sections of classes as available at no charge or penalty; providing an alternate workspace for employees of the college, issuing and enforcing a no-contact order; banning individuals from entering college facilities; requesting a ban from entering campus; or honoring an order of protection or no-contact order entered by a State civil or criminal court.

## **Complaint Resolution Procedures**

Complainants alleging candidate or employee violation of the college's policy shall have the opportunity to request that the complaint resolution begin promptly and proceed in a timely manner.

Individuals whose duties include resolution of complaints of candidate or employee violations shall have received a minimum of 8 to 10 hours of annual training related to sexual violence, domestic violence, dating violence, stalking and how to conduct the college's complaint resolution procedures.

## **Range of Sanctions**

Upon its findings conducted by trained individuals, the college may assess the following sanctions:

### **Disciplinary Warning**

An official written notification that a candidate's or employee's behavior is in violation of VanderCook College of Music's rules and regulations. This warning may also carry with it an expectation for future behavior or conditions, restrictions or limitations as to any privileges.

### **Restitution**

In the event material items or property, personal or those belonging to the college, were damaged, destroyed, lost or stolen, whether through intent or negligence as a result of this action, the candidate or employee may be held responsible for expenses incurred to replace, repair or make good said items or property.

### **Fines**

VanderCook College of Music reserves the right to assess a fine for misconduct.

### **Suspension of Network Access**

If used directly or indirectly to contribute to action(s) judged to be guilty of harassment by candidates or employees, said person(s) may have access denied to the college's computer network for any personal device or public or college-issued computer, laptop or cellphone.

### **Educational Sanctions**

Candidates and employees may be required to perform one or more educational sanction(s) appropriate to the offense. This may include a public apology, an assignment, a campus or community service, or participation in a live or online workshop or tutorial program for alcohol, drug-related or sexual misconduct.

### **Conduct Probation**

A form of probation imposed on a candidate or employee for a defined period of time in which the person must self-correct or learn from their inappropriate behavior and show no evidence of the behavior's continuance.

### **Disciplinary Probation**

The imposition of immediate restrictions or sanctions requiring the candidate or employee to immediately change their behavior. This probation may include revoking a candidate's performance privileges and any and all institutional financial aid, grants, awards and scholarships. Employees may be subject to register and show proof of successfully completing an institutionally approved live or online workshop or tutorial at their personal expense.

### **Suspension**

The interruption of a candidate's enrollment for a designated period of time in which the student is prohibited from having access to the college or contact with any employee. At the end of the suspension period, the candidate would be required to meet with the appropriate dean to receive assurance that the candidate will adhere to the college's rules, regulations, policies and expectations. Candidates suspended from the college will forfeit all institutional financial aid, grants, awards and scholarships. Employees suspended from work will be prohibited from having access to the college or contact with any other employee. Employees suspended as a result of a finding of inappropriate behavior will not receive

pay for the time they are suspended.

### **Expulsion**

Involuntarily ending a candidate's enrollment and association with VanderCook College of Music. The candidate is prohibited from access to any college facility or sponsored event, will immediately lose access to the college network and is required to return any instruments or items, including issued iPad, deemed to be the property of the college.

### **Termination**

Involuntarily ending a person's employment with VanderCook College of Music. The terminated employee will immediately lose access to the college provide workstation, computer(s) and network, and will be required to immediately return any other items, including keys and parking pass where appropriate. In addition they will be prohibited from access to any college facility or college-sponsored event.

### **Good Samaritan**

Any person who reports, in good faith, an alleged violation of the policy to a responsible employee will receive amnesty from any action or behavior they may have been involved in at the time of the report, unless said person's behavior was glaring or flagrant and contributed to, in any way, placing the victim's or any other person's health or safety at risk.

### **General Harassment**

General harassment is defined as any physical, verbal or written (including online social networking (e.g., Facebook, etc.), email or mobile phone networking (e.g., texting, Twitter, etc.)) communication or action that targets a person based on race, religion, culture, beliefs, gender or gender identity, sexual orientation, mental or physical differences, or affective associations which is persistent or severe enough to interfere with that person's work or academic performance. If actions or communications are deemed offensive, hostile or intimidating from the perspective of the person experiencing the action or communication, as well as from an objective (i.e., a reasonably uninvolved person's) viewpoint, a finding of harassment may result.

### **Sexual Harassment**

Sexual harassment is unwelcome physical, verbal or written (including online social networking (e.g., Facebook, etc.), email or mobile phone networking (e.g., texting, Twitter, etc.)) contact that is of a sexual nature. This may include any uninvited physical contact; requests for sexual favors; pressure to continue a sexual relationship when one party has expressed a desire to end the relationship; pressure to engage in sexual contact when one party has not given consent, has withdrawn consent, or is not able to give informed consent; or micro-aggressions. When such conduct creates an intimidating, offensive or hostile environment that affects an individual's work or academic performance, a finding of harassment may result. Protection from sexual harassment is included under Title IX of the Education Amendments Act of 1972. VanderCook designates a full-time faculty member as a Title IX coordinator.

Retaliation in word or action for a complaint of harassment is considered just as serious as the original alleged behavior.

A formal complaint may be made if anyone feels victimized in any of the above ways and has not been successful (or comfortable) addressing the situation directly with the other party or parties. A formal Grievance Form for candidates can be found on the VanderCook website and may be submitted to the appropriate dean. A formal complaint may also be made in person to the designated Title IX coordinator and /or the appropriate dean. The complainant must sign any formal complaints and grievances.

***No one should remain silent when confronted with any situation that is perceived as harassment***, but should communicate with someone they trust, even if a formal complaint is not being filed at that time.

It is incumbent upon the college to investigate and determine appropriate steps to end harassment. A

formal or informal process may be followed. Such steps may include directions for cessation of contact between the involved parties, required counseling, loss of scholarship or work study, a formal letter of warning, loss of VanderCook employment / apprenticeship, suspension or expulsion from school, issuance of restraining order(s), or other actions deemed necessary after consultation with appropriate authorities.

## **Candidate Grievances & Appeals**

Grievances regarding formal and informal school policies, classes, harassment (including sexual harassment) or any other matter affecting the day-to-day academic, musical or social climate of the college may be addressed in several ways.

Grievances may be discussed directly by the parties involved and with the appropriate dean. A formal grievance may also be filed with the appropriate dean or the director of financial aid. A [Grievance Form](#) is available on VanderCook's website and must be printed and signed before the form is submitted. The candidate has the right to appeal any decision to the college president.

Candidates have the right to appeal any decision they believe is unfair, arbitrary or capricious. Such circumstances include, but are not limited to:

- Dismissal from the college due to poor scholarship, unacceptable behavior, or violation of academic honesty rules.
- Termination of federal and / or state financial aid eligibility.
- Failure to be admitted to the teacher education program.
- Failure to be admitted to student teaching.
- Failure to be entitled for the Illinois Professional Educator License.
- Failure of an exit requirement.

Initial academic or financial aid appeals should be made in writing to the appropriate dean or the director of financial aid within 15 days of the disputed decision. Further appeals may be made in writing and submitted to the college president within 15 days of notification of the disputed decision.

Based upon the circumstances of the situation, the president may establish a hearing procedure. If a formal appeal appears warranted, a hearing committee comprised of three faculty and / or staff members and two mutually agreed-upon candidates will review the decision. The candidate and VanderCook have the right to representation by an attorney throughout the appeal process. Both parties must notify the other at least 72 hours prior to the time of the hearing if they intend to have legal representation present. Notification must be made in writing via email or letter.