

# SEX & GENDER-BASED SEXUAL MISCONDUCT RESPONSE & PREVENTION POLICY ADDENDUM

This addendum is only applicable for incidents that took place in the following U.S. states: California, Illinois, Michigan and Texas.

For individuals attending or working at Chamberlain University campuses located in California, Illinois, Michigan or Texas, the following policies and/or procedures are modified or supplemented to those set forth in the Sex and Gender-Based Misconduct Response and Prevention Policy. Chamberlain reserves the right to adjust this Addendum consistent with current law. If any portion of this Addendum is deemed invalid, the invalidity shall not affect other portions of the Sex and Gender-based Misconduct and Response Policy.

## California

### Definition of Consent

*California Education Code Section 67386* (which applies to California campuses) defines "Affirmative Consent" as: Affirmative, conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

### Definition of Sexual Harassment

*California Education Code Section 66262.5* (which applies to California campuses) defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status or progress;
- submission to or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance or of creating an intimidating, hostile or offensive work or educational environment; and
- submission to or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs or activities available at or through Chamberlain.

### Additional Training

Colleagues at California campuses involved in investigating and adjudicating sexual assault, domestic violence, dating violence and

stalking will also be provided with comprehensive, trauma-informed training.

### Amnesty for Victims and Witnesses

Amnesty, to encourage reporting, will be provided to individuals at California campuses unless Chamberlain determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.

## Illinois

### Definition of Consent

*Illinois Preventing Sexual Violence in Higher Education Act* (which applies to Illinois campuses) utilizes a definition of "Consent" which recognizes that:

- consent is a freely given agreement to sexual activity,
- a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent,
- a person's manner of dress does not constitute consent,
- a person's consent to past sexual activity does not constitute consent to future 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,
- a person can withdraw consent at any time and
- 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 the 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.

### Additional Training

Colleagues at Illinois campuses involved in:

- receipt of a student report of an alleged incident of sexual violence, domestic violence, dating violence or stalking,
- the referral or provision of services to a survivor or
- any campus complaint resolution procedure that results from an alleged incident of sexual violence, domestic violence, dating violence or stalking will be provided annual survivor-centered and trauma-informed response training.

Colleagues at Illinois campuses whose duties include resolution of student complaints receive eight to ten hours of annual training on issues related to sexual violence, domestic violence, dating violence and stalking. Training also includes how to apply this policy.

### How to File a Report

Illinois Preventing Sexual Violence in Higher Education Act requires contact information for local law enforcement:

Addison Campus: **630.543.3080**, Chicago Campus: **312.744.8290**, Tinley Park Campus: **708.444.5200**

Within 12 hours of when Chamberlain receives an electronic report, students at Illinois campuses will receive information detailed in the "Victim/Survivor Rights" paragraph of this policy.

## Written Determination

Individuals at an Illinois campus will be provided with the written determination within seven (7) days after the determination.

## Amnesty for Victims and Witnesses

Amnesty, to encourage reporting, will be provided to individuals at Illinois campuses unless Chamberlain determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.

## Prevention and Awareness

Procedures to Follow after a Sexual Misconduct Incident

### Addison Campus

Community-Based Sexual Assault Crisis Center  
YWCA Metropolitan Chicago  
Patterson and McDaniel Family Center  
55 E. North Avenue  
Glendale Heights, IL 60139  
**630.790.6600**

State Sexual Assault Crisis Center  
Illinois Coalition Against Sexual Assault  
100 N. 16th Street  
Springfield, IL 62703  
**217.753.4117**

Medical Facility: nearest to the campus where a survivor may have a medical forensic examination completed at no cost to the survivor, pursuant to the Sexual Assault Survivors Emergency Treatment Act.

AMITA Health Adventist Glen Oaks Hospital  
701 Winthrop Avenue  
Glendale Heights, IL 60139  
**630.545.6160**

### Chicago Campus

Community-Based Sexual Assault Crisis Center  
Community Counseling Centers of Chicago  
4740 N. Clark Street  
Chicago, IL 60640  
**773.769.0205**

State Sexual Assault Crisis Center  
Illinois Coalition Against Sexual Assault – RVA-Northside Office  
1945 W. Wilson  
Chicago, IL 60651  
**773.275.8340**

Medical Facility: nearest to the campus where a survivor may have a medical forensic examination completed at no cost to the survivor, pursuant to the Sexual Assault Survivors Emergency Treatment Act.

Advocate Illinois Masonic Medical Center  
836 W. Wellington Avenue  
Chicago, IL 60657  
**773.975.1600**

## Tinley Park Campus

Community-Based Sexual Assault Crisis Center  
YWCA South Suburban Center,  
320 W. 202nd Street  
Chicago Heights, IL 60411  
**708.754.0486**  
Rape Crisis Hotline: **708.748.5672** in the South Suburbs

State Sexual Assault Crisis Center  
YWCA Metropolitan Chicago  
1 N. LaSalle Street, Suite 1150  
Chicago, IL 60602  
**312.762.6600**

Medical Facility: nearest to the campus where a survivor may have a medical forensic examination completed at no cost to the survivor, pursuant to the Sexual Assault Survivors Emergency Treatment Act.

Advocate S. Suburban Hospital  
17800 Kedzie Avenue  
Hazel Crest, IL 60429  
**708.799.8000**

## Michigan

### Definition of Sexual Harassment

Michigan Elliot-Larson Civil Rights Act Section 37.2103 (i) (which applies to Michigan campuses) defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature under the following conditions:

- i. Submission to the conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education or housing;
- ii. Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, public accommodations or public services, education or housing; or
- iii. The conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education or housing or creating an intimidating, hostile or offensive employment, public accommodations, public services, educational or housing environment.

## Texas

### Definition of Sexual Harassment

Texas Education Code Section 51.251(5) (which applies to Texas campuses) defines sexual harassment as unwelcome, sex-based verbal or physical conduct that:

- A. in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile or offensive work environment or
- B. in the education context, is sufficiently severe, persistent or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at Chamberlain.

## **Additional Training**

Colleagues at Texas campuses involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking will also be provided with comprehensive, trauma-informed training.

## **How to File a Report**

Colleagues at Texas campuses who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the colleague reasonably believes constitutes sexual harassment, sexual assault, dating violence or stalking and is alleged to have been committed by or against a person who was a student enrolled at or a Chamberlain colleague at the time of the incident shall promptly report the incident to the Title IX Coordinator.

## **Investigation**

In determining whether to investigate allegations at Texas campuses, Chamberlain will consider:

1. the seriousness of the alleged incident;
2. whether Chamberlain has received other reports of sexual harassment, sexual assault, dating violence or stalking committed by the alleged perpetrator(s);
3. whether the alleged incident poses a risk of harm to others and
4. any other factors Chamberlain determines relevant.

If an alleged victim requests Chamberlain not investigate, Chamberlain will inform the alleged victim of its decision whether to investigate the alleged incident.