

What is Title IX?

Title IX of the Education Amendments of 1972 prohibits sex discrimination in federally funded education and activities. Title IX states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance."

The Non-Discrimination and Non-Harassment Policy is available in full at www.elmhurst.edu/titleix



**Elmhurst
University**

Discrimination on the basis of sex includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

It is the policy of Elmhurst University to provide an educational environment free of all forms of sexual harassment and retaliation, as defined in the University's Non-Discrimination and Non-Harassment Policy and as otherwise prohibited by state and federal statutes.

What is Sexual Harassment?

Sexual harassment is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and/or objectively offensive that it effectively denies a person equal access to the University's education program or activity. *Quid pro quo harassment* occurs when an employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

What is Sexual Assault?

Sexual assault is any sexual act directed against a person without the consent of the victim, including instances in which the victim is incapable of giving consent. Sexual assault includes non-consensual sexual penetration, forcible fondling, incest, and statutory rape.

Non-consensual sexual penetration is actual or attempted 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. *Forcible fondling* involves the touching of the private body parts of another person for the purpose sexual gratification forcibly or against that person's will or in instances in which the victim is incapable of giving consent. *Incest* is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law. *Statutory rape* is non-forcible sexual intercourse with a person who is under the statutory age of consent of 17.

How Does Elmhurst University Define Consent?

Consent is defined as clear, unambiguous, voluntary, positive agreement by word or action between the participants to engage in specific 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 because they are underage, asleep, unconscious, or mentally or physically incapacitated, either through the use of drugs or alcohol, because of a disability, or for any other reason.

How is Stalking Defined?

The term *stalking* means engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, and/or suffer substantial emotional distress.

What Constitutes Dating Violence?

The term *dating violence* means violence, on the basis of sex, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

What Constitutes Domestic Violence?

Domestic violence includes violence, on the basis of sex, committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of Illinois; or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Illinois.

What is Considered Retaliation?

Retaliation exists when the institution or an individual intimidates, threatens, coerces, or discriminates against any individual to interfere with any right or privilege secured by the Non-Discrimination and Non-Harassment Policy, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing as outlined in the Non-Discrimination and Non-Harassment Policy.

Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Can Happen to Anyone, Regardless of Gender Identity/Expression, Sexual Orientation, Relationship/Marital Status, Ability, or Other Identity. The University provides reporting processes and support for Complainants in our campus community.

Did You Know the University's Annual Security & Fire Safety Report Includes Yearly Statistics About Reported Sexual Harassment?

Visit www.elmhurst.edu/security for more information. →

How Do You Report Sexual Harassment or Retaliation at Elmhurst University?

Reports of sexual harassment or retaliation can be made to the Title IX Coordinator via mail, email, telephone, in person, or the electronic reporting form at www.elmhurst.edu/titleix.

Any reports of sexual harassment or retaliation made to Mandated Reporters will be sent to the Title IX Coordinator. Unlike criminal processes, a Complainant may make a report to the Title IX Coordinator at any time after an experience; there is no "statute of limitations" to receive support on campus as long as the Complainant is still a student or employee of the University.

What Happens After a Report is Made?

After receiving a report of alleged sexual harassment, the Title IX Coordinator or a Deputy Coordinator will request to meet individually with the Complainant. A Complainant is not required to meet with the Title IX Coordinator/Deputy Coordinator after a meeting request is sent to them, but they are encouraged to meet with the Title IX Coordinator/Deputy Coordinator to understand all options that are available to them. If a Complainant does not meet with a Title IX Coordinator/Deputy Coordinator, all resources will be sent electronically to them.

If a Complainant does wish to hold this meeting, it is encouraged that the Complainant schedule it as soon as possible after receiving this request. In the meeting, the Title IX Coordinator/Deputy Coordinator will review the Complainant's additional reporting options, resources, and rights and will offer supportive measures.

Complainants may:

- Have an Advisor present with them throughout the process
- Report the incident to local police, with which Public Safety can assist
- Receive medical support
- Receive supportive measures, such as adjustments to on-campus housing, work schedules, classes, or co-curricular involvements
- Request not to proceed with a report
- File a formal complaint
- Pursue Informal Resolution after a formal complaint is filed
- Pursue a Formal Grievance Process after a formal complaint is filed

Can I Speak to Someone Confidentially?

Yes. Reports made to a Confidential Advisor or confidential resource will *not* be reported to the Title IX Coordinator. Confidential Advisors are specially trained to support Complainants of sexual harassment, and provide empathetic guidance, and education on a Complainant's various rights and options. Confidential resources can also serve as a support for Complainants and provide information on University policy.

Confidential Advisor

YWCA Metro Chicago | Rape Crisis Center for DuPage County
(630) 790-6600 ext. 4311 | dupageadvocacy@ywcachicago.org
(888) 293-2080: 24/7 phone line, text available M-F 9am-5pm

Wellness Center

Student Health Services & Counseling Services
Niebuhr Hall 010
(630) 617-3565 | studenthealth@elmhurst.edu

What if I am Concerned About Someone Finding Out I have Made a Report About Sexual Harassment or Retaliation?

Every effort is made by the University to preserve the privacy of reports and the identity of any individual who has made a report of sexual harassment or retaliation. To the extent possible, the University will only disclose information regarding alleged incidents of sexual harassment to individuals who are responsible for handling the University's response.

What Resources are There for Complainants of Sexual Harassment?

Title IX Coordinator

Cortney Matuszak
Frick Center 240B
(630) 617-3341 | cortney.matuszak@elmhurst.edu

Title IX Deputy Coordinator for Staff

David Cronan
Director of Human Resources
Lehmann Hall 222
(630) 617-3020 | david.cronan@elmhurst.edu

Title IX Deputy Coordinator for Faculty

Dean Pribbenow
Vice President for Academic Affairs/Dean of the Faculty
Goebel Hall 104B
(630) 617-3063 | dpribbenow@elmhurst.edu

Public Safety

Lehmann Hall, Lower Level
(630) 617-3000

Elmhurst Police Department

125 E. First Street
Elmhurst, Illinois 60126
Emergency number: 911
Non-emergency number: (630) 530-3050

Elmhurst Hospital

155 E. Brush Hill Road
Elmhurst, Illinois 60126
(331) 221-1000

Additional local, state, and national resources are available at www.elmhurst.edu/titleix.

Updated July 2022