NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

This policy applies to all members of the Hebrew Theological College community, including students, faculty, and administrators as well as third-parties (including, but not limited to, vendors, invitees, etc.). Discrimination or harassment of any kind in regards to a person's gender is not tolerated at our institution. Information and/or training regarding this policy are available to students, faculty, and staff. In addition, information about this policy is available on Hebrew Theological College’s website.

All divisions of Hebrew Theological College seek to foster a collegial atmosphere where students are nurtured and educated through close faculty-student relationships, student camaraderie, and individualized attention. Discrimination or harassment of any kind is anathema to Hebrew Theological College's mission, history, and identity. Hebrew Theological College will resolve any identified discrimination in a timely and effective manner, and will ensure that it does not recur. Those believing that they have been harassed or discriminated against on the basis of their gender, including sexual harassment, sexual violence, domestic violence, dating violence, and stalking should immediately contact the Title IX coordinator (see below). When Hebrew Theological College has notice of the occurrence, Hebrew Theological College is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

Definitions

Discrimination and Harassment

Title IX, and its implementing regulations, prohibit discrimination based on sex, including sexual harassment. The prohibition against discrimination extends to employment and third-parties. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or
sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

In the case of Title IX, sexual harassment is conduct that is sexual in nature, is unwelcome, and denies or limits an individual’s ability to participate in or benefit from a school’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment or retaliation. Sexual harassment can take different forms depending on the harasser and the nature of the harassment. The conduct can be carried out by school employees, other students, and non-employee third parties, such as a visiting speaker. Both male and female students can be victims of sexual harassment, and the victim can be of the same sex. The conduct can occur in any school program or activity and can take place in school facilities, or at other off-campus locations, such as a school-sponsored activity or training program at another location. The conduct can be verbal, nonverbal or physical. The following are examples of potential violations of Title IX related policy: making sexual propositions or pressuring students or employees for sexual favors; touching of a sexual nature; writing graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures, or written materials; performing sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating other students as to sexual activity or performance; circulating or showing emails or Web sites of a sexual nature. Violations may also occur in any form: written/print, physical, verbal or electronically through email, text, or posting to social media or other online site of any kind.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that

a) has the purpose or effect of creating an intimidating, hostile or offensive work environment;

b) has the purpose or effect of unreasonably interfering with an individual's work performance; or

c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.
**Consent**

Consent is defined as a freely given agreement to sexual activity. Note the following:

- 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.
- 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 but not limited to 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.

**Retaliation**

Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has: (1) complained about alleged discrimination or harassment as defined above, (2) participated as a party or witness in an investigation relating to such allegations, or (3) participated as a party or witness in a proceeding regarding such allegations. Retaliation can occur contemporaneously during the complaint process or subsequent to it, once the retaliator is aware of the recipient's participation in the process. Retaliation does not exist in the absence of an adverse action. An individual is protected from retaliation even when the complaint at issue is ultimately found to lack merit, as long as the complaint was made in good faith.

Hebrew Theological College does not allow, nor tolerate any conduct by any Hebrew Theological College community member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint through the method described below, or for any other reason will not be tolerated.

**Contact Information**

**Title IX Coordinator**

The Title IX Coordinator or his designee ("Title IX Coordinator") is trained and knowledgeable about enforcement, compliance, communication, and implementation of Hebrew Theological College's anti-harassment and anti-discrimination policy.

The Title IX Coordinator's contact information is as follows:
Police/Emergency Services

Many police departments now have special victims units that are specially trained to deal with rape and/or sexual violence victims. In addition, many hospitals also have rape crisis units. To report a sexual assault to the police, dial 911.

Sexual Assault Crisis Centers/Hotlines

- Evanston Domestic Violence Line (YWCA): (877) 718-1868
- Rape Victim Advocates: (312) 443-9603
- Porchlight Counseling Services: (773) 750-7077 (confidential helpline and intake)

Confidentiality

Hebrew Theological College has independent obligations to report or investigate potential misconduct, even if a complainant does not wish to initiate an official process. Therefore, absolute confidentiality cannot be promised with respect to a complaint of discrimination, harassment, sexual harassment, or retaliation received either through Hebrew Theological College's compliance hotline or otherwise. The phone number for the Hebrew Theological College hotline is (646) 565.6330. Hebrew Theological College wishes, however, to create an environment in which legitimate complaints are encouraged, while also protecting the privacy of all involved in an investigation. Complaints about violations of these policies will therefore be handled in strict confidence, with facts made available only to those who need to know in order for Hebrew Theological College to promptly and thoroughly investigate and resolve the matter.

Procedures & Implementation

Duty to Report Violations

Any member of the Hebrew Theological College community including students, faculty, employees, and third-parties have a duty to report violations of this policy where individuals know, or should know, of accusations or actions which violate Hebrew Theological College Policy and will notify the Hebrew Theological College Title IX Coordinator of such violations promptly.

At the discretion of Hebrew Theological College administration, students who report a violation of this policy to a responsible employee may be granted immunity and not subjected to
disciplinary actions for violating Hebrew Theological College’s Code of Conduct or any similar policies by engaging in activities such as underage drinking.

Formal Investigation and Resolution of Discrimination, Harassment, or Retaliation Complaints

Duty to Cooperate and Facilitate

All members of the Hebrew Theological College community are required to cooperate fully with any investigation of discrimination or harassment. A faculty member, staff member, or student who has relevant information and refuses to cooperate with an ongoing investigation will be subject to disciplinary action for, among other things, violations of the Hebrew Theological College Code of Conduct and/or insubordination. Likewise, all Hebrew Theological College employees are required to ensure that complaints about discrimination, harassment, or retaliation are directed to the appropriate administrative office for evaluation and investigation. Hebrew Theological College is committed to conducting an inquiry that is thorough, prompt and impartial.

Complaint Process

Complaints concerning sexual harassment and/or sexual discrimination should be sent to Cheryl Karp, Title IX Coordinator, 7135 N. Carpenter Road, Skokie, Illinois 60077, via email karp@htc.edu or by telephone (847) 982-2500 ext. 1150. The HTC Title IX Coordinator will respond within twelve (12) hours to a report received electronically. Complaints can be made confidentially and anonymously by calling (646) 565.6330.

Complaints should be filed as soon as possible after the date of the alleged misconduct, and a written complaint is preferable.

A complaint, which must be submitted within the later of the following two dates: (a) thirty (30) days after the alleged misconduct; or, (b) the end of the semester in which the alleged incident occurred.

While prompt reporting is expected, complaints older than 30 days will be processed. However, if more than 365 days have elapsed since the day of the complaint, the complaint may not be processed. Every effort is made to conduct a thorough and speedy investigation. Several factors may impact Hebrew Theological College’s ability to conduct a prompt investigation, including, but not limited to: the Complainant’s accessibility or unresponsiveness, witness availability or unresponsiveness, the number of witnesses, the timing of the investigation (i.e. if an investigation is being conducted at a time when students are taking final exams or on recess), etc.

HTC will cooperate fully with Law Enforcement authorities should the victim seek criminal prosecution. HTC also recognizes that confidentiality is most important to victims of sex crimes. While complete confidentiality cannot be guaranteed, every effort will be made to maintain confidentiality on a “need to know basis.” The victim’s wishes not to report a sexual assault to the police will generally prevail, but HTC reserves the right to notify the police when it is believed that such reporting is necessary for the protection of others.
Intake Interview

After receipt of a complaint, the Title IX Coordinator or his/her designee will meet with the complainant as soon as possible, usually within one week, but not later than thirty (30) days after receipt. The complainant must make himself/herself available to meet.

The meeting will be an intake interview where the Title IX Coordinator or his/her designee will inform the complainant about the investigation procedure and timeline. The complainant may sign a formal complaint form at that time (under the above guidelines) if he/she has not already done so. A complaint will proceed even in the absence of a signed written complaint.

Complaints about Students, Faculty, Other Employees or Third Parties

Upon receipt of a complaint, the Title IX Coordinator or his/her designee, shall investigate the circumstances of the complaint. The Complainant will be given clear information concerning their rights and options outlined in this policy.

This investigation will include documented interviews of the complainant, the person against whom the complaint is written, and witnesses with relevant knowledge, if any. Further, the investigation will include a review of relevant documents and any other evidence.

The Title IX Coordinator shall have thirty (30) days from the intake interview to complete the investigation of the event in question. Such thirty (30) days may be extended in the event that one of the following occurs:

- Availability or unavailability of a witness or relevant/material documents;
- Recalcitrance of a witness and/or any necessary party;
- Delay or other uncooperative actions of any necessary party;
- High number of witnesses;
- Holidays and vacation periods;
- Any other unforeseeable events/circumstances.

Generally speaking an investigation will take less than 60 calendar days following receipt of the complaint. This may not be practicable in every investigation and may vary depending on the complexity of the investigation and the severity and extent of the harassment. The Title IX Coordinator shall report the findings of the investigation to a designated, impartial Fact Finder. The Fact Finder shall endeavor to issue a determination within fifteen day after receipt of the investigation file to determine and detail: (a) whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint, (b) a description of actions taken, if any, to prevent similar problems from occurring in the future, and (c) the proposed resolution of the complaint.
Preponderance of the Evidence

The greater weight of evidence in an investigation meaning that one party’s evidence outweighs the evidence of the other.

Notice of Determination and Further Action

Both the complainant (the party who filed the complaint or the alleged target of the sexual harassment) and the respondent (the accused) shall be informed of the Fact Finder's decision within seven days of the conclusion of the Fact Finder's deliberation. Please refer to Section 4.0 for the policies regarding the confidentiality of this determination.

Potential sanctions include, but are not limited to:

- Written warnings
- Loss of privileges
- Transcript Notation
- Mandatory training or counseling
- No-contact order
- Removal from campus housing
- Probation
- Suspension
- Expulsion

Sanctions for faculty or staff members include, but are not limited to:

- Written warnings
- Loss of privileges
- Mandatory training or counseling
- Probation
- No-contact order
- Suspension
- Demotion
- Loss of annual pay increase
- Expulsion
- Termination of employment, including revocation of tenure.

At the time of the receipt of this notice both parties will be informed of any actions or precautions that will be taken in response to the decision. Questions concerning these further actions should be addressed to the Title IX Coordinator Cheryl Karp or the appropriate office as required by the Fact Finder's decision.

Appeal Process

Both the complainant and the respondent are eligible to file an appeal to the determination based
on (i) a procedural error occurred, (ii) new information exists that would substantially change the outcome of the finding, or (iii) the sanction is disproportionate with the violation.

The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Title IX Coordinator within seven (7) business days following the date on the outcome letter. The Appeal should state the remedy sought by the appealing party. Each party may respond in writing to any appeal submitted by the other party. Written responses to the other party’s appeal must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

Appeals will be conducted in an impartial manner by trained College officials without conflict of interest or bias for or against either party. A party with a concern about a conflict of interest or bias should contact the Title IX Coordinator. The Appeals Panel can determine whether a change in the decision is warranted. If a change in this decision is necessary, the Appeals Panel will review the appeal and rationale and make a final decision.

Appeals will not be reviewed or considered beyond the Appeals Panel. Appeals decisions will be rendered within twenty (20) business days after the receipt of the formal request for appeal. The appeal decision will be provided in writing to both parties and the appeal decision is final.

Discipline

Employees, faculty and students who violate Hebrew Theological College’s policies may be subject to disciplinary action. Individuals who retaliate against someone who files a complaint, or against a witness, representative, or advocate for a complainant, will be subject to further disciplinary action. Consistent with this Policy Hebrew Theological College will take prompt effective action to resolve any identified discrimination, and take steps to avoid a reoccurrence.

Availability of Confidential Counseling

As required under Title IX, Hebrew Theological College through its investigations and/or Title IX Compliance officer will offer its internal confidential counseling services to any complainant who has begun the complaint process. It is ultimately complainant’s decision of whether or not to accept the counseling service offered by Hebrew Theological College.

Interim Measures

Hebrew Theological College endeavor to accommodate all reasonable requests for interim protective measures, including but not limited to changes to academic, living, dining, transportation and working conditions and obtaining and enforcing any type of protective order.

External Reporting

The nearest medical facilities that provide medical forensic examinations at no cost to the survivor (pursuant to the Sexual Assault Survivors Emergency Treatment Act of Illinois) are as follows:
Chicago Campus
Presence Saint Francis Hospital
355 Ridge Avenue
Evanston, IL 60202
847.316.400

Skokie Campus
NorthShore University HealthSystem - Skokie Hospital
9600 Gross Point Road
Skokie, IL 60076
847.933.6950

Victim Assistance
In cases of rape and/or sexual violence, there are many sources of support available to victims.

On Campus
- The Dorm Supervisor or *Eim Bayit* is available to work with the HTC community to meet immediate needs.
- HTC staff members are available to provide support and escorts around campus and in certain instances to assist the individual in getting home.
- Other available community resources may be provided based on student’s individual needs.

ILLINOIS
- Chicago Metro Rape Crisis Hotline (YWCA): (888) 293-2080
- Chicago Domestic Violence Line: (877) 863-6338
- Evanston Domestic Violence Line (YWCA): (877) 718-1868
- Rape Victim Advocates
  Main Office: 180 N. Michigan Ave, Suite 600, Chicago
  (312) 443-9603
  www.rapevictimadvocates.org
- Chicago Metro Rape Crisis Hotline (YWCA)
  Evanston 1215 Church St, Evanston
  (847) 864-8445
  www.ywca.org/evanston
- Evanston Victim Services Program Evanston Police Department
  1454 Elmwood Avenue, Evanston
  http://www.cityofevanston.org/police/aboutus/police-social-services
- Porchlight Counseling Services:
  (773) 750-7077 (confidential helpline and intake)
  http://www.porchlightcounseling.org
Members of the Hebrew Theological College community are always subject to local, state, and federal laws, and nothing in these procedures is intended to limit or postpone the right of an individual to file a complaint or charge with appropriate federal, state, or local departments or agencies.

Among other options, students may contact the Office for Civil Rights of the U.S. Department of Education for inquiries concerning the application of Title IX as well as the implementation of its regulations. The Office for Civil Rights can be contacted using the following information:

Chicago Office
Office for Civil Rights
U.S. Department of Education, Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: 312-730-1560
Email: OCR.Chicago@ed.gov