

# **SAFETY & SECURITY AT HEBREW THEOLOGICAL COLLEGE**

ANNUAL CRIME STATISTICS

&

FIRE SAFETY REPORT

2022-2023



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## **NOTICE OF NONDISCRIMINATION**

### **NOTICE OF NONDISCRIMINATION**

Hebrew Theological College treats all employees, students, and applicants without unlawful consideration or discrimination as to race, creed, color, national origin, sex, age, disability, marital status, genetic predisposition, sexual orientation or citizen status in all decisions, including but not limited to recruitment, the administration of its educational programs and activities, hiring, compensation, training and apprenticeship, promotion, upgrading, demotion, downgrading, transfer, layoff, suspension, expulsion and termination, and all other terms and conditions of admission, matriculation, and employment. Inquiries or complaints concerning the non-discrimination policies for all HTC campuses should be sent to Mrs. Rita Lipshitz Title IX Coordinator, 2606 W. Touhy Avenue, Chicago, Illinois 60645 or [lipshitz@htc.edu](mailto:lipshitz@htc.edu). Employees or students may alternatively file a complaint with the Office for Civil Rights by contacting their regional office /or the US Department of Education.

Please refer to the link provided for locations: <http://www2.ed.gov/about/offices/list/ocr/addresses.html> or <https://ocrcas.ed.gov/cas.cfm>

## OVERVIEW

In accordance with the Jeanne Clery and the Higher Education Opportunity Act, Hebrew Theological College has created this report identifying the following:

- Operations of the Office of Campus Safety and Security
- College policies pertaining to adherence to municipal, state and federal laws
- Policies and procedures regarding reporting of incidents, missing students, access into facilities, fire safety, emergency response and notification systems
- Crime prevention programs
- Statistical information on crimes that occurred in or near Hebrew Theological College property over the past three years
- Fire related incidents that occurred in student residential facilities
- Life safety systems installed in student residential facilities.

Faculty, staff and students are notified by email of the availability of the Annual Crime Statistics & Fire Safety Report on the [website](#). Hard copies of this brochure are also available in the Office of the Registrar upon request.

## ANNUAL SUBMISSION OF REPORTS

An Annual Security Report (“ASR”), including Crime Statistics for the reporting calendar year, will be prepared timely by security director/designee(s) and the Office of Institutional Compliance and published in accordance with federal regulations under the Clery Act. <sup>1</sup>

- A) The ASR will be posted to the Hebrew Theological College website on or before the first (1) day of October of each year.
- B) The ASR will include Crime Statistics by appropriate location, where applicable, and will include the previous three (3) years of reported statistics.
- C) Notification of the availability of the ASR must be sent on or before the first (1) day of October of each year to students, faculty and employees by available means. The notification will include the link to the report and the Crime Statistics.
- D) Hebrew Theological College provides the notification via email communications and, where applicable, posting on bulletin boards within the facility.
- E) Distribution is made electronically via web page, email communication or hard copy upon request.
- F) Documentation of the steps taken to comply with the notification process is required, when available.

## BUILDING ACCESS & SECURITY POLICY

During regular business hours, Hebrew Theological College is open to the college community, guests and others with legitimate college business. The hours of operation for the campuses vary based on the building location and the academic school year.

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<sup>1</sup> Please note that due to the COVID-19 pandemic, the publication requirement of this ASR was delayed.

## STUDENT RESIDENTIAL FACILITIES ACCESS POLICY

Access into student residential facilities is restricted to residents, their approved guests and other approved members of the Hebrew Theological College community. Access is strictly monitored and regulated by key card. Policies and procedures pertaining to guest privileges are governed by individual student housing facility management. Residents are cautioned against permitting strangers access into student residential facilities and are encouraged to maintain a community watch for suspicious activity or behavior.

## SECURITY

The College attempts to provide for the security of individuals and their belongings through a security system that includes locks for rooms and buildings, controlled access to buildings, alarm systems and/or video monitoring. To report or discuss security issues contact the Title IX Coordinator, Dorm Supervisor (Skokie Campus), the Eim Bayit or Facilities Manager (Chicago Campus).

Security measures are only as effective as the individuals on campus choose to make them. Students are encouraged to use sound judgment at all times. Campus buildings have controlled access via number code. Students are not to distribute these codes to non-students. Students residing on-campus are prohibited from giving keys or codes to non-residents.

At times it may be necessary to establish other security checks and procedures and it is expected that students will cooperate fully in carrying out security procedures, all of which are designed to promote the safety and security of the College community.

All students, faculty and staff are expected to assume reasonable responsibility for personal safety. By using common sense, safety practices such as walking in groups, reporting suspicious activities, keeping money, books and other personal items protected, locking car, room and office doors when leaving and generally being alert to personal welfare will ensure personal safety on and off campus. All threats and/or altercations (verbal or physical) that are based on religious, gender or racial bias by either a member of the College community or a stranger must be reported.

Students should be their own safety advocates and take these strategies seriously:

- Stalker – If you feel someone is stalking you, make an immediate report to the college administration. A restraining order or some other action may be taken to keep you safe. If someone is following you suspiciously, head towards crowds, lighted areas or occupied buildings.
- Obscene Calls – Don't engage an unknown caller in conversation or give any personal information. Keep track of unwanted phone calls and document the time and content of these calls. Save harassing or obscene phone messages, and turn over all of this information to the College administration.
- Walking Around - Don't walk alone after dark. Stay in well-lit and populated areas.
- The Element of Surprise – Make it difficult for someone to surprise you. For example, don't walk around or jog with headphones when you are alone.



- **Protect Your Personal Property** – Don't leave backpacks, purses or other bags unattended; always lock your bike or car; don't leave valuables in plain sight; don't leave large amounts of cash in your room or on your person.
- **Cyber-Safety** - Despite the perceived anonymity of cyberspace, the internet and spam can pose serious threats. Releasing personal information (particularly your Social Security number or phone number) over the internet can result in identity theft and/or stalking. Identity theft is a long-hard road to overcome, often involving years of effort to reestablish damaged credit ratings and more. Meeting people on-line can be dangerous. On-line matchmaking can be risky and even religious based Shidduch sites require careful monitoring, and students are recommended to seek thorough background checks by a reliable authority before arranging a meeting with anyone.

To report or discuss security issues contact the Dorm Supervisor (Skokie Campus), the Eim Bayit or Facilities Manager (Chicago Campus), or a member of the administration.

## **REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES**

The Clery Act recognizes certain College officials and offices as "Campus Security Authorities (CSA)." The Act defines these individuals as "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

All Campus Security Authorities are required to report a crime in writing if they have a reasonable basis for believing the information is not simply rumor or hearsay. Campus Security Authorities are not sworn law enforcement personnel and do not have the authority to make arrests. If a Campus Security Authority is unsure whether the information was provided in good faith, he/she should report the information. A Campus Security Authority is not responsible for determining authoritatively whether a crime took place. It is the function of Law Enforcement Personnel to determine whether a crime took place, if applicable.

### **HTC's Campus Security Authorities:**

Title IX Coordinator  
Mrs. Rita Lipshitz  
2606 W. Touhy Avenue  
Chicago, Illinois 60645  
(773) 973-0241  
Email: lipshitz@htc.edu

Dorm Supervisor (Skokie Campus)  
Rabbi Daniel Freund  
(847) 982-2500 ext. 1126 (office)  
(847) 942-5279  
daniel.freund@htc.edu

Eim Bayit (Chicago Campus)  
Nava Samber  
(773) 973-0241 (office)  
(917) 853-6282 (cell)  
nava.samber@htc.edu

#### CRIMES INVOLVING STUDENTS AT OFF- CAMPUS LOCATIONS

Hebrew Theological College does not allow student organizations to maintain off-campus locations. All individuals, whether they belong to the College community or not, are subject to all international, federal, state and local laws while on Hebrew Theological College campuses and sites and may be subject to criminal charges when applicable, even for first offenses. We encourage the Hebrew Theological College community to report any incidents promptly to both HTC security representatives (Dorm Supervisor on the Skokie Campus or the Eim Bayit or Facilities Manager on the Chicago Campus) and/or your local law enforcement agencies (where applicable). The College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving students and employees at all College sites.

#### EMERGENCY PREPAREDNESS EFFORTS

Recognizing the importance of emergency preparedness, Hebrew Theological College has created a written document, School Emergency and Crisis Response Plan, outlining the College's response and recovery to any emergency or crisis that "threatens the College populations, programs, properties, reputation, and viability."

#### REPORTING OF CAMPUS EMERGENCIES

We ask for your cooperation with the reporting of any hazardous or emergency situation involving a threat to the health and safety of our College Community or loss of College property. Hazards, such as missing fire extinguishers, obstructed emergency exits, multiple or frayed electrical extension cords, candles, open flame devices or improperly contained hazardous materials must immediately be reported to the Dorm Supervisor (Skokie Campus) or the Facilities Manager (Chicago Campus). Emergency situations involving imminent threat to health and safety, which may be medical, criminal or involve a fire, should be called into the Police Department by dialing 911, followed by a call to the Dorm Supervisor (Skokie Campus) or Eim Bayit (Chicago Campus).

#### *Timely Warning Reports & Public Safety Notices*

This section summarizes Hebrew Theological College's emergency response and evacuation procedures, including protocols for emergency notifications communications in those situations that represent a significant emergency or dangerous situation affecting the health and/or safety of the college community. This policy statement complies with the Emergency Notification requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Higher Education Opportunity Act of 2008 and applicable Department of Education regulations.

Critical safety information is provided under two circumstances:

Emergency notifications are near real-time information provided quickly for any life-threatening hazard. They will typically contain little detail, and will initially alert the community to a



dangerous situation, provide information including where to get additional information (for example a website), and resolve or reassure the community the hazard has been controlled.

Timely Warnings are distributed for certain crimes in federally defined “Clery Act Geographies” that represent a threat to the Hebrew Theological College community; the College will provide a “Timely Warning.” If a crime takes place in the areas surrounding the campus, or is not one of the federally defined crimes (for example kidnapping), we will circulate a “Public Safety Notice.”

Both types of communications are described below. Please review this information so you are familiar with how Hebrew Theological College will reach out during an emergency.

HTC’s Campus Security Authorities will prepare a Timely Warning/Public Safety Notice when a report is received of a violent crime against a person, or a particularly threatening crime against property on campus that represents an ongoing danger to the safety of students, faculty, and staff. Timely Warning/Public Safety Notices will provide details of the crime, a description of the suspect if known, and information on whom to contact about the investigation, and crime prevention tips. The Campus Security Authorities will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

When the Campus Security Authorities become aware of crimes committed off-campus being investigated by local law enforcement that may present a serious or continuing threat to the campus community, a Timely Warning/Public Safety Notice may be issued. This will be determined by the Campus Security Authorities on a case-by-case basis based on the facts of the situation, the possible impact to the campus community, and the information provided by local law enforcement.

We usually include the following information in timely warnings and public safety notices.

1. A succinct statement of the incident.
2. Possible connection to previous incidents, if applicable.
3. Physical description of the suspect.
4. Photo or composite drawing of the suspect, if available.
5. Date and time the notice was released.
6. Other relevant and important information including prevention advice.

The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. The Campus Security Authorities may not include some known information in a Timely Warning/Public Safety Notice if providing that information could risk compromising law enforcement efforts.

Timely Warning/Public Safety Notices may be updated if new or more accurate information becomes available to the Campus Security Authorities.

*Distribution of Timely Warnings or Public Safety Notices*

Timely Warning/Public Safety Notices are distributed by the Campus Security Authorities, in conjunction with school administration, in the following ways:

1. HEBREW THEOLOGICAL COLLEGE WEB SITES – Notices may be posted on the main Hebrew Theological College website, [www.HTC.edu](http://www.HTC.edu). The website will be updated with information throughout the duration of any serious incident.
2. CAMPUS EMERGENCY INFORMATION LINE, 1-88-Touro-911 (1-888-621-6911). Students and employees may call the Campus Emergency Information line for updated information about serious or ongoing threats to the campus community.
3. HEBREW THEOLOGICAL COLLEGE MASS E-MAIL – During regular business hours, 9:00am-5:30pm, an “urgent” mass e-mail will be sent to all HTC.edu email addresses. The message will provide instructions to follow during the incident, or direct individuals to the main

Hebrew Theological College web site for additional information or instructions.

In some instances, the Campus Security Authorities may distribute flyers to appropriate college departments to be posted in affected areas of the campus. After Hebrew Theological College locations are closed, alerts will sent to all Hebrew Theological College community members with information and instructions on any relevant situation.

## LAW ENFORCEMENT RELATIONSHIPS

Hebrew Theological College maintains a close working relationship with the Village of Skokie Police Department and the Chicago Police Department to ensure the safety and security of the college community. The College staff may also work with other law enforcement agencies as appropriate. Meetings are held between the College and representatives of law enforcement agencies on both a formal and informal basis. There is regular communication between the College and police departments regarding incidents that occur on and around the campus areas and regarding the general safety and security, including the exchange of information, assistance with investigations, and crime-related reporting. There are no written memoranda of agreement between Hebrew Theological College and any local, state or federal law enforcement agency.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES EMERGENCY PREPAREDNESS

What is Emergency Preparedness (EMP)?

There is no single item that defines emergency preparedness. Emergency Preparedness depends on who you are and where you are. For a child, EMP is about following the instructions of teachers during an emergency, knowing their name, address and telephone number, or knowing what to do if there is a fire at home.

For an adult, preparedness depends on whether or not someone is at home or at school. Is it summer or winter? Does one drive to work or take public transportation?

Each of these areas requires a different type of preparedness, so emergency preparedness is about thinking of the hazards that can threaten your safety, and developing a plan to minimize the effects of the hazard as much as possible.

The health and safety of all Hebrew Theological College students, faculty, and staff is of paramount concern to the College.

While the likelihood of a major emergency is remote, Hebrew Theological College recognizes the critical importance of being prepared and has designed a program that ensures the security of the College community in the event of a crisis.

The emergency plan identifies the College's needs, the resources needed on hand during an emergency, and the steps needed to move forward after an emergency is resolved.

### *Emergency Defined*

An emergency is an unanticipated crisis that arises, posing an IMMEDIATE or an IMMINENT threat to the life/lives, safety, and/or health of students, faculty, staff, or others on any Hebrew Theological College campus/site.

Since such situations call for rapid, competent, and responsive action, it is helpful to review the appropriate responses to possible emergency scenarios. Dial 911 to reach local fire or police departments.

Members of the College community can reach a representative of the College by contacting the emergency hotline number 1-88-Touro-911 (1-888-621-6911).

### *Emergency Response Plan*

Hebrew Theological College's Administration is responsible for Emergency Preparedness (EMP) and the overall direction and planning for emergencies on campus or those that occur in the local or regional area affecting the campus. Under the guidance of the CEO, the Campus Security Authorities and the Office of Institutional Compliance, the College has developed a comprehensive, all-hazard Emergency Response Plan that outlines steps the College will take to prevent and mitigate, prepare for, respond to, and recover from a full range of likely hazards it may face.

To ensure these plans remain current and actionable, the College will conduct an emergency management exercise, at a minimum, once yearly. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. The College conducts after-action reviews of all emergency management exercises.

Both announced and unannounced emergency evacuation and/or preparedness tests/exercises (including fire drills) are conducted at least annually (once each year at minimum) in Hebrew Theological College buildings, including all facilities, and are recorded and analyzed for assessment purposes. The emergency evacuation procedures are tested at least once each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The administrators do not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of

day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, administrative staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Hebrew Theological College evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants ‘practice’ drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

### *Emergency Procedures*

The following section provides information on the procedures to follow during certain emergencies. This section is not intended to cover all emergencies, but is a general guide for the more common emergencies that occur on college campuses across the United States. Please review these procedures carefully.

If you have any questions, contact the Department of Emergency Preparedness at 1-88-Touro-911 (1-888-621-6911).

### **School Emergency Operations Program**

The objectives of school emergency operations program are to protect the lives and well-being of its students and staff through the prompt and timely response of trained school personnel should an emergency affect the school. To meet these objectives, the school shall establish and maintain a comprehensive emergency operations program that includes plans and procedures, hazard analysis, security audits, training and exercise, and plan review and maintenance.

#### **Operational Guidance:**

##### **1. Initial Response**

- a. School personnel are usually first on the scene of an emergency situation within the school. They will normally take charge and remain in charge of the emergency until it is resolved and will transfer command and incident management to the appropriate emergency responder agency with legal authority to assume responsibility. They will seek guidance and direction from local officials and seek technical assistance from state and federal agencies and industry where appropriate. However, at no time will school officials transfer responsibility for student care.
- b. The Principal will be responsible for activating the school emergency operations plan and the initial response which may include:
  - i. Evacuation – When conditions are safer outside than inside a building. Requires all staff and students to leave the building immediately.
  - ii. Reverse Evacuation – When conditions are safer inside a building than outside. Requires all staff and student to go to safe places in the building from outside the building.
  - iii. Lock down – When a person or situation presents an immediate threat to students and staff in the building. All exterior doors and classroom doors are locked and students and staff stay in their offices, work areas and classrooms.
  - iv. Shelter-in-place – When conditions are safer inside the building than outside. For severe weather sheltering, students and staff are held in the

building safe areas and interior rooms or basement away from windows. For hazardous material release outdoors with toxic vapors, students and staff are to remain in their classrooms, windows and doors are sealed and all ventilation systems are shut off. Limited movement is allowed.. Taking shelter inside a sealed building is highly effective in keeping students and staff safe.

- v. Drop, cover and hold – Students and staff drop low, take cover under furniture, cover eyes, head with hands and arms and protect internal organs.

## 2. Source and Use of Resources

- a. Hebrew Theological College will use its own resources to respond to emergency situations until emergency response personnel arrive. If additional resources are required, the following options exist:
  - i. Request assistance from volunteer groups active in disasters.
  - ii. Request assistance from industry or individuals who have resources needed to assist with the emergency situation.

## 3. Activities by Phases of Emergency Management

- a. This plan addresses emergency actions that are conducted during all four phases of emergency management.

## 4. Mitigation/Prevention

- a. Hebrew Theological College will conduct mitigation/prevention activities as an integral part of the emergency management program. Mitigation/prevention is intended to eliminate hazards and vulnerabilities, reduce the probability of hazards and vulnerabilities causing an emergency situation, or lessen the consequences of unavoidable hazards and vulnerabilities. Mitigation/prevention should be a pre-disaster activity, although mitigation/prevention may also occur in the aftermath of an emergency situation with the intent of avoiding repetition of the situation. Among the mitigation/prevention activities included in the emergency operations program are:

- i. Hazard Analysis
- ii. Identifying hazards
- iii. Recording hazards
- iv. Analyzing hazards
- v. Mitigating/preventing hazards
- vi. Monitoring hazards
- vii. Security Audit

## 5. Preparedness

- a. Preparedness activities will be conducted to develop the response capabilities needed in the event an emergency. Among the preparedness activities included in the emergency operations program are:
  - i. Providing emergency equipment and facilities.
  - ii. Emergency planning, including maintaining this plan, its annexes, and appendices.
  - iii. Involving emergency responders, emergency management personnel, other local officials, and volunteer groups who assist this school during emergencies in training opportunities.
  - iv. Conducting periodic drills and exercises to test emergency plans and

- training.
  - v. Completing an After Action Review after drills, exercises and actual emergencies.
  - vi. Revise plan as necessary.
6. Response
- a. Hebrew Theological College will respond to emergency situations effectively and efficiently. The focus of most of this plan and its annexes is on planning for the response to emergencies. Response operations are intended to resolve an emergency situation quickly, while minimizing casualties and property damage. Response activities include warning, first aid, light fire suppression, law enforcement operations, evacuation, shelter and mass care, light search and rescue, as well as other associated functions.
7. Recovery
- a. If a disaster occurs, Hebrew Theological College will carry out a recovery program that involves both short-term and long-term efforts. Short-term operations seek to restore vital services to the school and provide for the basic needs of the staff and students. Long-term recovery focuses on restoring the school to its normal state. The federal government, pursuant to the Stafford Act, provides the vast majority of disaster recovery assistance. The recovery process includes assistance to students, families and staff. Examples of recovery programs include temporary relocation of classes, restoration of school services, debris removal, restoration of utilities, disaster mental health services, and reconstruction of damaged stadiums and athletic facilities.
8. Emergency Procedure Summaries
- a. **Bus Accident**
    - i. Protect student passengers from injuries and the bus from further damage.
    - ii. Check for conditions that could cause a fire
    - iii. If conditions are safer outside the bus than inside, evacuate the bus
    - iv. Do not leave students unattended or unsupervised.
    - v. Notify the appropriate law enforcement agency by calling 911. Let them know a school bus was involved, exact location, number of injured and type of injuries, school district or bus company name and remain on the phone to provide updates until emergency responders arrive.
    - vi. Do not release any students to anyone unless told to do so by school district administration or law enforcement
    - vii. If you are directed by law enforcement to remove student passengers from the scene, be sure to follow their directions and/or school district/bus company policy and procedures for removal and transport.
    - viii. If there are no injuries, follow school district/bus company policy and instructions on moving, returning or delivering students.
  - b. **Intruder**
    - i. Notify School Personnel.
    - ii. Warn intruder of consequences for staying on school property, while always keeping your safety in mind.
    - iii. Notify police and Campus Security Authority if intruder still refuses to leave. Give police full description of intruder. (Keep intruder unaware of

- call for help if possible)
  - iv. Get away from intruder if he/she indicates a potential for violence. Be aware of intruder's actions at this time (where he/she is located in school, whether he/she is carrying a weapon or package, etc).
  - v. Maintain visual contact with intruder from a safe distance.
  - vi. Initiate Lockdown procedures.
- c. **Nuclear Power Plant Radiological Event**
  - i. Schools within 10-mile radius (Insert facility name(s)) Nuclear Station: Listen for 3 to 5 minute steady siren blast. This signals public to tune their radios to an Emergency Alert Station (EAS). Schools will be notified if radiological release requires protective actions. There are two basic protective actions: Sheltering and Evacuation.
  - ii. **Sheltering Notification:**
    - 1. Bring all persons inside building(s).
    - 2. Close all exterior doors and windows.
    - 3. Turn off any ventilation leading outdoors.
    - 4. Cover up food not in containers or put food in the refrigerator.
    - 5. If advised, cover mouth and nose with handkerchief, cloth, paper towels or tissues.
- d. **Severe Weather**
  - i. Monitor NOAA Weather Stations (National Weather Service, Weather Channel, or television).
  - ii. Bring all persons inside building(s).
  - iii. Be prepared to move students from mobile classrooms into the building.
  - iv. Close windows and blinds.
  - v. Review severe weather drill procedures and location of safe areas. Severe weather safe areas are under desks, in hallways and interior rooms away from windows.
  - vi. Avoid gymnasiums and cafeterias with wide free-span roofs and large areas of glass windows.
  - vii. Review "DROP COVER and HOLD" procedures with students.
  - viii. Assign support staff to monitor all entrances and weather conditions.
- e. **Hazardous Material Release**
  - i. School administration or CSA will initiate an EVACUATION alert. Direct staff to use designated routes or other alternate safe routes to assigned Assembly Area(s) upwind or cross wind from the affected room or building.
  - ii. The CSA directs staff to call 9-1-1 (Insert the actual sequence to dial 911 from your phone system,) provide the name and location of the school, state the emergency and describe actions to safeguard students and staff and identify the location of the school command post.
  - iii. The SC will direct staff to secure the area around the chemical spill and ensure the air handling ventilation system is shut down.
  - iv. The SC will establish a school command post outside the school and brief fire officials when they arrive.
- f. **Earthquake**
  - i. Upon the first indication of an earthquake, teachers should direct students



- to DROP, COVER and HOLD, seek shelter under desks and move away from windows and overhead hazards.
- ii. If outdoors, teachers should direct students to move away from buildings, gas and electrical lines.
  - iii. If EVACUATION is ordered, teachers will bring their student roster and emergency Go Kit, take attendance at the Assembly Area, and report any missing or injured students.
  - iv. Designated staff will check for injuries and provide appropriate first aid.
  - v. Be prepared to relocate to a remote site if an off-campus evacuation is ordered.

## **FIRE INCIDENT REPORTING**

Students, faculty, and staff are instructed to call 911 to report a fire emergency.

Non-emergency notifications (e.g. evidence that something burned) are made to:

Hebrew Theological College's 24-Hour Hotline at 1-88-Touro-911 (1-888-621-6911).

### **Who to Contact Should an Emergency/Fire Occur:**

Dorm Supervisor (Skokie Campus)

Rabbi Daniel Freund

(847) 982-2500 ext. 1126 (office)

(847) 942-5279

daniel.freund@htc.edu

Eim Bayit (Chicago Campus)

Nava Samber

(773) 973-0241 (office)

(917) 853-6282 (cell)

Nava.samber@htc.edu

Facilities Manager (Skokie Campus)

Igor Shneyderman

(847) 982-2500 ext. 1141 (office)

(847) 209-9277 (cell)

shneyderman@htc.edu

### ***Fire Safety Education and Training Programs***

An online fire safety education program is available for all students in residential housing and all employees that have any association with residential housing. Additional trainings are conducted by the Department of Emergency Preparedness throughout the year. Additional fire safety and education training programs may be taught by local authorities as necessary.

These programs are designed to familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire, and distribute information on the college's fire safety policies. Everyone is also provided with evacuation routes

and fire alarm equipment locations. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with limited mobility are instructed to wait for emergency response personnel in the fire stairwell with a “buddy.”

If a fire occurs, students are instructed to leave hazardous areas per the evacuation routes and go to their Designated Assembly Area before calling 911 for help. All residents are instructed to pull the fire alarm as they are leaving the building if they can do so without risking their safety. Residents are to remain at the Designated Assembly Area so that the Dorm Supervisor (Skokie Campus) or the Eim Bayit or Facilities Manager (Chicago Campus) can take a full accounting of the residents.

Fire safety education and training programs consist of fire science, general fire safety and evacuation procedures, and cooking safety. The information provided during the fire safety programs may be available at any time on the Emergency Preparedness page at [www.HTC.edu](http://www.HTC.edu).

#### Items Prohibited in Housing Facilities

When it comes to fire safety, certain items can compromise the safety of all within our community therefore such items are prohibited. If you are uncertain about a particular item in your possession, you are encouraged to bring such item(s) to the Residence Director immediately to avoid disciplinary action. The Dean and Provost, in cooperation with local and state fire safety officials, reserves the right to amend this listing at any time.

#### Open Flames

- Candles, incense, and ashtrays
- Fireworks, explosives
- Gasoline, propane tanks/other highly combustible items

#### Cooking Appliances

- Hot plates, woks, toasters and toaster ovens (except those provided by HTC), grills, deep fryers and all open coil appliances. Appliances without open coils are permitted (except those listed above) if they have an automatic shut off setting or are used with a single setting Automatic Shut-Off Safety Outlet.

#### Room Furnishings

- Space heaters (unless issued by HTC)
- Upholstered furniture, padded or cushioned chairs, beanbag chairs. (Any furniture item brought by a resident must be certified by the manufacturer as flame retardant; otherwise, the item is prohibited.) Residents are permitted to bring plastic stackable containers.
- Bed risers (wooden), cinderblocks and lofted furniture of any kind. Bed risers that attach to the bottom of the bed are permitted.
- Room partitions or dividers not authorized by HTC • Curtains, shades, blinds or any window treatment (unless issued by HTC)
- Any lamp with a halogen or incandescent bulb
- Multiple bulb lamps with plastic shades Electrical Cords and Outlets
- Extension cords, multi-plug outlets, plug-in air fresheners. Surge protectors are acceptable with a maximum of six outlets and an independent on/off circuit breaker.

- International converters plugged into a surge protector or multiple adapters. International converters must be plugged directly into the wall outlet.

#### Decorations

- Streamers hanging from the ceiling
- Lights

#### Actions that Obstruct or Interfere with Safety

When it comes to fire safety, certain actions by an individual can compromise the safety of all within the community. Therefore, certain actions are prohibited. Person(s) who engage in such actions will be held accountable, sanctioned and/or arrested and fined. HTC encourages all residents to familiarize themselves with such actions and the potential sanctions.

#### Egress Compromise

- Failure to maintain a 36-inch path of egress out of the room/ apartment
- Blocking exits with furniture or other items, or preventing door from opening to a 90-degree angle
- Propping room door open with an object
- Wall decorations/posters exceeding 25 percent of the wall area
- Hanging posters, banners or other items from the ceiling or across the room from door or window(s)
- Excessively disorderly room or apartment
- Running wires across the floor, ceiling or in front of room door
- Leaving any item in the hallway outside of a room door
- Leaving cooking food unattended
- Leaving hair care appliances with heating elements (flat irons, curling irons, etc.) unattended or excessive use of aerosol products (which may trigger the fire alarm system)
- Smoking in any housing facility or within 25 feet of an entrance

#### Suppression or Alarm Compromise

- Hanging anything on or from a sprinkler head or water pipe
  - Physical activities near fire suppression systems, such as hockey, ball throwing/bouncing, skateboarding, Frisbee, etc.
  - Throwing or spraying water or other liquids
  - Failure to maintain an 18-inch clearance from any sprinkler head for the circumference of the room
  - Excessive use of aerosol products (which may trigger the fire alarm system)
  - Tampering with, or damaging fire extinguisher(s) or sprinkler control valves
  - Breaking a sprinkler head
  - Removing smoke detectors or covers
  - Covering smoke detectors
  - Tampering with or damaging fire exit lights, pull stations, notification devices or obstructing exit doors
- General Unsafe Actions**
- Failure to evacuate during a fire alarm
  - Deliberately causing a false fire alarm

- Use of fireworks or explosives

### *Fire Emergency Advice*

#### **During A Fire Alarm**

- STAY CALM and DO NOT PANIC.
- Proceed to the closest emergency exit. Do not take the elevator.
- Use secondary route if primary one is blocked or hazardous.
- If the emergency is a gas leak or a hazardous material spill, take the route that will keep you upwind of the problem area.
- Do not stop for belongings or records.
- Follow the instructions of your Fire Safety Group (FSGs).
- Report missing persons to FSGs.
- Continue to follow the directions of FSGs who will direct you to an assembly area. Remain at the assembly area in case Emergency Personnel need more information or need to ask questions, especially if there are missing persons.

In Case of Fire - Remember “R.A.C.E.” Rescue: Anyone in immediate danger Alarm: Pull the nearest alarm box Contain: Close doors and windows Evacuate: Leave the building immediately

#### **Pre-Plan Escape Routes**

It is a good idea to locate all exits on your floor and in your building; locate two exits from your office/classroom; locate fire alarm pull stations in your building.

#### **Fire Egress (Exiting Safely)**

- Upon discovery of a fire, activate the nearest fire alarm pull box.
- Call the Hebrew Theological College emergency hotline number 1-88-Touro-911 (1-888-621-6911), or 911 from a local phone or your cell phone. Give your name, telephone number, department, and location of the fire.
- Do not attempt to put out a fire by yourself, unless you are trained to do so.
- DO NOT USE THE ELEVATORS. If you are on an elevator when an alarm is activated and the elevator does not function, push the emergency button on the elevator for further assistance and guidance.
- Close windows and doors. This may help keep the fire from spreading, protect your possessions from fire, and smoke damage. Leave lights on and doors unlocked.
- Before entering another room or stairwell, check for heat by placing the back of your hand near the door. If the handle is NOT hot, open door cautiously. Check for smoke or fire before going out.
- If the handle is hot, DO NOT open the door. Go to the window and call for help.
- When you evacuate the building DO NOT stop for personal belongings or records.
- If there is excessive smoke, crawl low to an exit. There is less smoke and toxins there. Smoke will rise making it impossible to see when standing. Toxic chemicals in smoke, when inhaled, can be deadly in minutes.
- If you are unable to exit, stay low and plug all openings around doors, windows, and vents.
- Notify fire fighters that are on the scene if you suspect someone may be inside the building.

- If the situation is safe and clear, handicapped individuals should be placed into the stairwell as soon as most evacuees have departed. A messenger should be dispatched to tell the responding police or fire fighters the location of the handicapped individual(s), so that a rescue can be initiated.
- When outside, stay away from the building, at least 500 feet, and out of the way of emergency personnel and vehicles.

***DO NOT RE-ENTER THE BUILDING UNTIL INSTRUCTED TO DO SO BY AUTHORIZED PERSONNEL.***

## **MISSING STUDENT POLICY AND PROTOCOL**

HTC understands that students spend most of their time off campus. We have an obligation and a responsibility to report a student who has been missing for 24 hours to proper authorities. If a member of the campus community has reason to believe a student is missing, notification should immediately be made to Dorm Supervisor (Skokie Campus) or the Eim Bayit or Facilities Manager (Chicago Campus). In compliance with the federally mandated Missing Student Notification Policy and Procedures in the Higher Education Opportunity Act, an incident report will be generated and an investigation will be initiated.

After investigating the missing person report, should the Dean or Provost determine that the student is missing and has been missing for more than 24 hours, they will notify local law enforcement agency and the student's emergency contact no later than 24 hours after the student is determined to be missing.

If the missing student is under the age of 18 and is not an emancipated individual, HTC will notify the student's parent(s) or legal guardian(s) immediately after it has been determined that the student has been missing for more than 24 hours.

Student's contact information will be registered confidentially and will only be accessible to authorized campus officials. This information will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

A student who wishes to identify a confidential contact can do so through their Dorm Supervisor (Skokie Campus) or the Eim Bayit or Facilities Manager (Chicago Campus). A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

A thorough search of all public areas will be conducted. This includes rooftops, basement areas, mechanical spaces, and bathrooms.

## **ALCOHOL AND CONTROLLED SUBSTANCES POLICY STATEMENT**

It is the policy of HTC, as stated in the Personal Conduct section of the Student Handbook, that the unlawful use, possession, distribution, or manufacture of drugs or controlled substances on HTC property is strictly prohibited. Individuals who possess, use, distribute or manufacture drugs or controlled substances, are subject to disciplinary action, including but not limited to expulsion, as well as possible criminal prosecution. Improper use of prescription drugs is similarly prohibited. Students found in violation of these policies may be subject to disciplinary proceedings as

described in the school catalog and student handbook. Student violators may be subject to the following sanctions and remedial measures:

<b>Nature of Violation</b>	<b>Responses for First-Time Violations May Include, But Are Not Limited To:</b>	<b>Responses for Repeat Violations May Include, But Are Not Limited To:</b>
Possession or use of alcohol or other drugs, including prescription drugs, in violation of HTC policy or federal, state, or local law	<ul style="list-style-type: none"> <li>• Warnings</li> <li>• Disciplinary Probation</li> <li>• Counseling and treatment</li> <li>• Service to the college community</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary Probation</li> <li>• Mandatory referral for counseling and treatment</li> <li>• Suspension from dormitory (if dormitory student)</li> <li>• Parental Notification</li> <li>• College-Level disciplinary action</li> </ul>
Possession or use of alcohol or other drugs, including prescription drugs, in violation of HTC policy or federal, state, or local law in a manner involving aggravated circumstances (e.g. actual/potential harm to self or others, disruption of the HTC community, repeated offenses)	<ul style="list-style-type: none"> <li>• Warnings</li> <li>• Disciplinary Probation</li> <li>• Mandatory counseling and treatment</li> <li>• College-Level disciplinary action</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary Probation</li> <li>• Mandatory counseling and treatment</li> <li>• Service to the college community</li> <li>• College-Level disciplinary action</li> </ul>
Distribution or intent to distribute a controlled substance, including improper distribution of prescription drugs, in violation of HTC policy or federal, state, or local law	<ul style="list-style-type: none"> <li>• Legal action</li> <li>• College-level disciplinary actions</li> </ul>	<ul style="list-style-type: none"> <li>• Legal action</li> <li>• College-level disciplinary action</li> </ul>

Each faculty and staff member of HTC is expected to abide by HTC's policies for maintaining a drug-free workplace. The policy statement on drug abuse pertaining to students also applies to faculty and staff. Furthermore, all faculty and staff are required to notify the appropriate Dean of any criminal conviction relating to his or her own drug activity within five (5) days of such conviction. Faculty and staff (part-time or full-time) who violate HTC policies on drugs and controlled substances may be subject to disciplinary sanctions.

In both cases for students and faculty and staff, the existence of a progressive system of disciplinary sanctions measures does not preclude HTC from levying a heavy sanction, without first resorting to a lesser sanction. By way of illustration and not exclusion, HTC may expel a student or terminate a staff or faculty member for a violation of policy without first issuing a

warning or putting that student or employee on probation. The following regulations apply to students, faculty and staff of HTC:

The consumption of alcoholic beverages by individuals under the age of 21 is illegal.

All persons are prohibited from consuming alcoholic beverages on the premises of HTC (unless at an event specifically sanctioned by HTC Administration in writing) or entering or remaining on HTC premises in an impaired state.

Alcoholic beverages may not be served to HTC students as part of College-sponsored events or non-official activities connected with the College - except for sacramental purposes, and then only under faculty supervision.

Students who meet the legal criteria for purchase of alcoholic beverages in Illinois may request permission from the Residence Supervisor or Dean to bring sacramental wine into the residence hall for Sabbath and/or holidays. Permission is granted only when the Residence Supervisor or Dean is confident that the beverage is consistent with the dictates of Jewish law and will be used for ritual purposes only by individuals conforming to State of Illinois criteria for the possession of alcohol.

Any student, who falsely represents himself/herself at a sanctioned HTC event as being of age to consume alcohol, may be subject to disciplinary action as outlined in Personal Conduct Policy. Any faculty and/or staff member of HTC who provides alcohol to a minor on HTC premises shall be subject to full penalty under the laws of Illinois. Forcing any student or faculty member to consume alcohol and/or drugs for the purpose of initiation into or affiliation with any HTC sanctioned organization is not permitted.

Alcoholism, while it may be a disability, does not excuse any faculty and/or staff member of HTC from violating a legitimate HTC policy or neglecting their responsibilities to HTC. Individuals whose work performance is impaired as a result of the use/abuse of alcohol may be required to participate in an appropriate evaluation/treatment program and may, in certain circumstances, lead to sanctions against that individual.

If you are an alcoholic, you may self-identify to the Dean on your campus or your supervisor, as the case may be, and request confidential counseling and/or referral services to help with your problems. All inquiries and requests for assistance will be handled with strict confidentiality.

#### *Substance Abuse Self-Identification and Amnesty*

HTC recognizes that, sometimes, there may be health or safety emergencies related to the use of drugs or alcohol in which the potential for disciplinary action by HTC may deter students who want to seek assistance for themselves or for another member of the HTC community. In such instances, the health and safety of the at-risk student will be HTC's top priority. Therefore, should a student, or another individual on behalf of that student, voluntarily come forward seeking assistance in a situation involving the over-consumption or abuse of drugs and/or alcohol, HTC's



student conduct response to the over-consumption/abuse will be, first and foremost, focused on medical treatment, counseling, and/or educational interventions. However, HTC reserves the right to address any associated acts that compromise the well-being of its community and its members, such as harassment, violence, damage, harm to self or others, or distribution of illegal substances, on a case-by-case basis as deemed appropriate and necessary.

### *Reporting a Personal Concern*

Students who have concerns about their use of alcohol and/or other drugs, or students who are concerned of such use by a friend are encouraged to seek assistance through one of HTC's support services. Confidentiality in these circumstances may be protected in compliance with HTC policy and applicable law (e.g. FERPA, HIPPA, etc.).

Know the signs of substance abuse:

- Passed out or difficult to awaken
- Cold, clammy, pale or bluish skin
- Slowed breathing
- Vomiting (asleep or awake) Know how to help:
- Turn a vomiting person on his/her side to prevent choking
- Clear vomit from the mouth
- Keep the person awake
- NEVER leave the person unattended

### *Substance Abuse Counseling*

Many different mutual and self-help programs are available near HTC campuses. Although most programs are abstinence-based and follow the 12-step approach, there are also programs that support moderation and a goal and/or do not use 12 steps. Some of the programs listed below may have a religious affiliation; others may merely use spirituality as part of the program. Meeting times and locations are available upon contacting the corresponding phone numbers or websites. Each meeting is somewhat different from any other, even within the same program, both in terms of structure and participants. Many people find it helpful to explore different options.

### **United States**

National Drug & Alcohol Treatment Referral Service:

Phone: 800-662-4357

Alcoholics Anonymous:

Phone: 312-346-1475

Website: [www.chicagoaa.org](http://www.chicagoaa.org)

Focus on Recovery:

Phone: 800-234-0420

Marijuana Anonymous:

Phone: 800-766-6779

Website: [www.marijuana-anonymous.org](http://www.marijuana-anonymous.org)

Cocaine Anonymous:  
Phone: 310-559-5833  
Website: [www.ca.org](http://www.ca.org)

Narcotics Anonymous:  
Phone: 708-848-4884  
Website: [www.chicagona.org](http://www.chicagona.org)

Al-Anon:  
Phone: 773-471-0225  
Website: [www.niafg.com](http://www.niafg.com)

Illinois Department of Human Services  
Phone: 800-843-6154  
Website: <http://www.dhs.state.il.us/page.aspx?item=29725>

### **Israel**

Narcotics Anonymous:  
Phone: 972-50-5947837  
Website: <http://www.naisrael.org.il/>

Retorno International Recovery Group:  
Phone: 718-210-9755  
972-52-436-9888  
Email: [Soshana@retorno.org](mailto:Soshana@retorno.org)  
Website: [www.retorno.org](http://www.retorno.org)

Malkishua Drug Rehabilitation Center:  
Phone: 972-46488222  
Email: [malikishua@malikishua.org.il](mailto:malikishua@malikishua.org.il)  
Website: <http://www.malkishua.org.il>  
<http://www.malkishua.org.il/eng/> (English version)

If you would like to view the complete HTC Policy on Drugs and Controlled Substances it can be found as Appendix A of this ASR.

### **SMOKE FREE ENVIRONMENT**

The Smoke-Free Illinois Act requires that educational institutions, among other public places and places of employment, be smoke-free inside and within 15 feet of entrances, exits, windows that open, and ventilation intakes. Under this Act, HTC prohibits smoking as defined below, including electronic smoking devices and hookahs, in all of its in-door public areas and classrooms, including but not limited to college housing, lobbies, libraries, lounges, bathrooms, conference rooms, and offices. No smoking shall be permitted within 15 feet of entrances, exits, windows that open, and ventilation intakes of any HTC facility. Violation of this policy may result in official reprimand; and if the violation persists or is repeated may result in expulsion.

### *Definitions*

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy.

“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

“Hookah” means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.

### **WEAPONS & FIREARMS POLICY**

In accordance with Illinois law, concealed weapons are prohibited on and within property of institutions of higher education. Hebrew Theological College expands the law to include prohibiting possession or carrying of weapons, firearms, or explosions; and possession or use of fireworks, ammunition, airguns, airsoft, or other weapons such as knives, tasers, swords, billy clubs, throwing stars, and nunchucks.

## **TOURO COLLEGE AND UNIVERSITY SYSTEMS RESPONSE TO SEXUAL AND GENDER VIOLENCE**

### **Policy on Title IX and Sexual Misconduct**

This policy applies to all members of the Touro College (“Touro”) community, including students, faculty, and administrators as well as third parties (i.e. vendors, and invitees). Discrimination or harassment of any kind in regard to a person's sex is not tolerated at our institution. Information and/or training regarding this policy is available to students, faculty, and staff.

Touro promotes an environment in which the dignity and worth of all members of the community are respected. It is the policy of Touro that sexual intimidation of students and employees is unacceptable behavior and will not be tolerated.

### **Title IX Grievance Policy**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX’s prohibition on sex discrimination broadly to

include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

This Title IX Grievance Policy became effective on August 14, 2020, and only applies to formal complaints of sexual harassment alleged to have occurred on or after August 14, 2020. Alleged Conduct that occurred prior to August 14, 2020 will be investigated and adjudicated according to the Title IX and Sexual Misconduct Policy then in effect.

### **Title IX Coordinator**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Title IX Coordinator  
Mrs. Rita Lipshitz  
2606 W. Touhy Avenue  
Chicago, Illinois 60645  
(773) 973-0241  
Email: lipshitz@htc.edu

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

### **When Title IX Applies**

The Title IX process will apply when all of the following elements are met:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Touro's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment, as defined under Title IX, as:
  - a. an employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
  - b. unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; or
  - c. sexual assault (as defined in the Clery Act); or dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act (VAWA)).

If the alleged misconduct meets these requirements, then the Title IX grievance process applies and the Potential Complainant may file a Formal Complaint or their prior Complaint submission will become a Formal Complaint. For the purposes of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Touro's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate and adjudicate the allegation of sexual harassment.

If the alleged misconduct does not meet these Title IX requirements, it requires a mandatory dismissal under Title IX, but it may be addressed by the broader Touro Sexual Misconduct Policy or another applicable Touro policy.

For more details surrounding the Title IX Grievance Policy please see: <https://www.touro.edu/title-ix-policy/>

## **Sexual Misconduct**

Touro prohibits discrimination based on sex, including sexual harassment. The prohibition against discrimination extends to employment and third-parties. Sexual harassment is unwelcome conduct of a sexual nature and can include sexual advances, request for sexual favors, and other verbal, non-verbal, or physical conduct. Environmental harassment (sometimes referred to as hostile environment) is sexually harassing conduct that is sufficiently severe, persistent or pervasive to limit an individual's ability to participate in or receive benefits, services, or opportunities at Touro. This can include persistent comments or jokes about an individual's, sex; verbal behavior, including insults, remarks, epithets, or derogatory statements; nonverbal behavior, including graffiti, inappropriate physical advances short of physical violence such as repeated and unwanted touching; and assault, including physical violence or the threat of physical violence.

New York Law also defines these acts as crimes if any of them are engaged in with a person who is incapable of consent either because of the person's age or because the person is mentally defective, mentally incapacitated, or physically helpless. Therefore, sexual abuse, sodomy, and rape are sex crimes and violators will be prosecuted in accordance with New York Penal Law.

Retaliation against any individual who made a complaint will not be tolerated.

To officially file charges for an act of sexual assault or rape, please contact the Office of Institutional Compliance. If the alleged perpetrator is a student, you can initiate disciplinary action against this individual. All incidents must be reported within six (6) months of their occurrence.

All divisions of Touro seek to foster a collegial atmosphere in which students are nurtured and educated through close faculty-student relationships, student camaraderie, and individualized attention. Discrimination or harassment of any kind is anathema to Touro's mission, history, and identity. Touro will resolve any identified discrimination in a timely and effective manner, and will ensure that it does not recur. Compliance with Touro's policies and procedures is a necessary step in achieving a safe environment in our educational community. The policies set forth were developed to promote a safe educational environment in compliance with the Violence Against Women Act (VAWA) and a high-quality campus life.

Those believing that they have been harassed or discriminated against on the basis of their sex, including sexual harassment, should contact the Office of Institutional Compliance immediately. When Touro has notice of the occurrence, Touro is compelled to take immediate and effective

corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

This policy applies to all members of Touro, including students, faculty, and administrators as well as third parties (including, but not limited to, vendors, invitees, etc.). Information and/or training regarding this policy are available to students, faculty, and staff. I

For more details surrounding the Sexual Misconduct Policy please see:  
<https://www.touro.edu/sexual-misconduct-policy/>

## **Complaints**

Complaints may be filed by contacting Rita Lipshitz or the Office of Institutional Compliance:

Phone: 646-565-6000, ext. 55330

Email: [compliance@touro.edu](mailto:compliance@touro.edu)

For Further Information: Students are strongly urged to read the full policy at  
<https://www.touro.edu/sexual-misconduct-policy/>

Additional information about this policy will be available on Touro's website. 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:

U.S. Department of Education  
Office for Civil Rights  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37<sup>th</sup> Floor  
Chicago, IL 60604  
Phone 312-730-1560  
Fax 312-730-1576  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

### *Crime Prevention Education & Awareness Is Provided As Follows*

- During student orientation
- During employee orientation
- Upon request by location
- As a result of trends identified

Crime Prevention Surveys are conducted by your resident precinct or local law enforcement upon request. In addition, HTC takes personal security issues seriously, and engages in an ongoing process of improving systems as they are implemented.

Programs to prevent about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others and a description of programs designed to inform students and employees about the prevention of crimes including dating violence, domestic violence, sexual assault and stalking are provided as comprehensive,



intentional and integrated programming, initiatives, strategies and campaigns intended to end all crimes including dating violence, domestic violence, sexual assault and stalking that are:

- culturally relevant,
- inclusive of diverse communities and identities,
- sustainable,
- responsive to community needs,
- informed by research or assessed for value, effectiveness or outcome, and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The programs HTC implements are tailored to the college's community and the needs of HTC's students and employees. The programs are culturally relevant and inclusive of, and responsive to, all parts of the Jewish community.

Such Programs include but are not limited to:

#### STUDENT ORIENTATION

During these Orientations we process the students into security procedures at the College. We also go through Clery Compliance requirements including but not limited to VAWA, alcohol/drug usages, self-safety awareness, and property and identification protection.

#### EVERYDAY SAFETY

We will elaborate that you should be aware of your surroundings and that you could be safer while out enjoying the scenes. We provide tips on safety while in elevators, subway, buses, and in dorms etc.

#### COMMON-SENSE DEFENSE

We may not all be fighters or large individuals, but there are tactics that could be used to allow you to survive a dangerous interaction. These methods will be shown and instructed. We focus on the art of verbal communication.

#### FORMING HEALTHY RELATIONSHIPS

We discuss methods on how to read another's actions and determine if this is a good or bad relationship. We offer tips on healthy relationships and how to deal with an unhealthy relationship.

#### CONTROLLING BEHAVIOR

We discuss the signs that a person maybe displaying in a controlling situation. We discuss the psychological issues that arise in these relationships and how you can defend yourself or others from this behavior.

#### RACISM, CLASSISM AND RELIGION (DISCRIMINATION)

We discuss discrimination and how it affects us. We will identify the trends that are presently being observed and how to combat them. We will instruct those on how to report incidents involving discriminations occurring here at HTC.

#### SEXUAL MISCONDUCT/ASSAULT

We discuss our Policy, Protocol, Procedure and Prevention. We will identify what is Sexual Misconduct/Assault and how to report if an incident should occur. How to attend to those who have been victimized and how these incidents will be investigated. Present what resources there are for those who have been victimized. We also offer tips on how to prevent these incidents and what to do if you become a victim or know someone who is a victim. We discuss buddy system and we encourage our students to contact us if they are in a situation that they can't handle.

## STALKING

Familiarize those with what stalking actually is and how it could affect their daily lives. With the Internet and Social Media, those who seek knowledge about others are easily obtained. We will discuss ways of protecting oneself from this intrusion. We also discuss on what to do if you are a victim of Stalking.

## BYSTANDER INTERVENTION

The goal of Bystander Intervention is to block bad behavior before it goes too far. We will educate our HTC community of their role and how they can prevent this behavior. We offer tips on what they can do to prevent any of the behaviors identified.

## *Rape & Sexual Violence*

Sexual Assault/Improper Sexual Conduct is a criminal offense pursuant to the Penal Law. If a member of HTC community engages in improper sexual conduct, it may result in the severest disciplinary sanctions available to HTC. 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.

All reports of Rape and Sexual Violence must be investigated by the Title IX Coordinator. Any reports made to a member of the pastoral care or clinical services provider on campus must be reported for statistical purposes only.

## **Indicators/Signs of Stalking Behavior**

- Persistent phone calls despite the fact that you have told the person not to contact you in any form.
- Someone waiting at or outside your workplace, residence, or school.
- Overt threats.
- Manipulative behaviors (i.e. stating that they will hurt themselves).
- Sending written messages, letters, emails, graffiti, etc.
- Sending of gifts.
- Defamation.

## **If You Become A Victim Of A Stalker, Do Not Take It Lightly:**

- Notify the Dean, Mashgiach Ruchani, or Menahel Ruchani at your location. Even if the problem is not campus/site related, they can assist you with reporting the problem to the local law enforcement agency.
- Apply for a restraining order. If you already have one, file a copy with the office on your campus.
- Document everything. Even if you have decided not to go the legal route, you may change your mind. Keep answering machine recordings, letters, gifts, etc. Keep a log of drive-bys or any suspicious occurrences.
- Have co-workers screen all calls and visitors.
- Do not accept packages unless they were personally ordered.
- Do not destroy discarded mail.
- If you think you are being followed, go to the nearest police station or public place.
- Never be afraid to sound your horn to attract attention.
- Do not be ashamed and think you caused this. Instead tell everyone you know that you are being stalked, from neighbors, to co-workers, to classmates so that no information about you is provided to the stalker.
- Tell the stalker NO once and only once, and never give him/ her satisfaction of a reaction again.

Preserve any evidence that may help you obtain College help through no-contact orders, or court assistance with restraining orders. For help with this, contact the local police or Security right away. Some examples of evidence preservation include:

- Preserving any email, texts, or electronic messages on social media.
- Photographing any threatening messages that are not electronic.
- Asking friends to witness any overt behaviors such as being followed.
- Keeping a journal of stalking events.

#### **If You Are Being Sexually Assaulted**

- Keep your head. Stay as calm as possible, think rationally and evaluate your resources and options.
- Be realistic about your ability to protect yourself. Yelling, hitting, or biting may give you a chance to escape, but be aware it can also expose you to further harm.
- Passive resistance such as vomiting, urinating, or telling the attacker that you are ill or menstruating is another option.
- Knowing self-defense can help you to overcome fear and think clearly in emergencies.
- Do not try to defeat the attacker. Just get away as fast as you can. There is no right way to respond to an attack. If you escaped alive, you responded in the right way.

#### **If You Have Been Sexually Assaulted**

- You must NEVER BEAR the RESPONSIBILITY for being assaulted. Responsibility for the crime lies with the rapist alone.
- If possible do not shower, bathe, brush your teeth eat, drink, smoke, urinate or change your clothes.
- Do not disturb anything in the area where the assault occurred.
- Get immediate medical attention. An exam may reveal the presence of a physical injury. Following a sexual assault, antibiotics are typically given at the time of the exam to help

prevent the victim from acquiring certain sexually transmitted diseases. A urine test conducted within 96 hours can determine if a drug was used.

- Write down a description of the assault, circumstances, and the attacker.
- 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.
- Reporting the assault is an important step in ending this violence. You should feel comfortable with your decision.
- Call someone to be with you. You should not be alone. Contact a rape crisis center to help you deal with the aftermath.

### **If Someone You Know Is a Victim of an Assault**

- See that they have a safe place to stay and will stay with someone.
- Give the victim your emotional support. Let them express their feelings. Do not pry into details.
- Do not be judgmental, instead listen, and provide understanding.
- Rape and/or sexual violence are never the victim's fault. Do not let them blame themselves or think that they did something to cause the attack
- Encourage the victim to get medical attention, contact a rape crisis center, and report the incident. Help the victim explore their options but let them make the decision.
- Point out that since they are still alive they have achieved a major victory.

### **Bystander Awareness**

- Don't turn a blind eye.
- If you are attending a social gathering with a friend, remember the same principles apply in every scenario.
- Be mindful of your friend(s) and make sure you come and go together and if you don't leave together that your friend(s) is/ are able to make decisions for himself/herself/themselves.
- If you see someone at risk, get involved.
- Don't wait for someone else to take an action.
- Be honest and directly talk about the consequences of their actions.
- Solicit help from other bystanders.
- If the person is your friend, communicate by either asking the person "Are you okay," "Is he/she bothering you," etc.
- Give the person an out like calling their cell phone or distracting the other person.
- If it doesn't feel safe to say something, you can call the police or any other person of authority.

Don't let resentment prevent you from stepping in.

### **Risk Reduction**

Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment in an effort to promote safety and to help individuals and communities address conditions that facilitate violence. In addition to the risk reduction strategies above, consider the following:

- If someone is behaving disrespectfully or making you feel uncomfortable, take steps to remove yourself from the situation early, especially if you are concerned it may become violent.
- If you feel as though someone may be stalking you, ask someone who understands these issues, like a Campus Security Authority to help you clarify what's going on and develop a safety plan. If you are being stalked, tell everyone you know. Ask your friends to keep an eye out for your stalker.
- If you feel afraid, call 911. HTC staff members are available to provide support and escorts around campus and in certain instances to assist the individual in getting home.
- You have the right to defend your body, your personal integrity, yourself.
- Do not second-guess yourself or the intentions of the person harming you. If you have indicated that you do not want to engage in a particular physical activity and your partner ignores you, take this as a sign that he or she has no intention of taking your feelings into consideration. This will help you decide what to do next.
- Your voice and your body are your best weapons. Learn effective ways to use them by taking a self-defense class, and bring a friend with you.
- There is no shame in being a victim.

### **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.

#### **Off Campus**

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

Chicago Metro Rape Crisis Hotline (YWCA)

Evanston 1215 Church St, Evanston  
(847) 864-8445

[www.ywca.org/evanston](http://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>

#### National

- [www.womenslaw.org](http://www.womenslaw.org)
  - (707) 784-6844
- [www.rainn.org](http://www.rainn.org)
  - (800) 656-HOPE (4673)

#### ISRAEL

- [www.1202.org.il/English/](http://www.1202.org.il/English/)
  - +972-2- 623 2451

#### Sex Offender Registration – Campus Sex Crimes Prevention Act

HTC must make available to the public over the Internet information about certain sex offenders required to register under Megan's Law.

These sex offender Internet registry laws can be found at the following addresses:

<https://www.isp.state.il.us/sor/> (Illinois)

Israel does not have a sex offender registry accessible to the public. There are specific vocational restrictions for sex offenders.

#### EMERGENCY ACTIONS IN RESPONSE TO VIOLENCE

Individuals who have experienced an act of violence, such as domestic violence, dating violence, sexual assault and/or stalking requiring immediate emergency assistance are advised to take the following actions:

- Get to a place of safety. Dial 911 for local Police or Dorm Supervisor (Skokie Campus)/ Eim Bayit (Chicago Campus) immediately if at continued risk.
- Seek any necessary medical attention as soon as possible.

Nearby hospitals include:

**Evanston Hospital**  
2650 Ridge Avenue  
Evanston, IL 60201  
(847) 570-2000

**Presence Saint Francis Hospital**  
355 Ridge Avenue  
Evanston, IL 60202  
(847) 316-4000

**Skokie Hospital**  
9600 Gross Point Road  
Skokie, IL 60076  
(847) 677-9600

**Swedish Covenant Hospital**  
5145 N California Ave  
Chicago, IL 60625  
(773) 878-8200

Going to an Illinois hospital for medical care after an incident of sexual violence does not obligate an individual to file a report with the College or the police.

#### *Reporting Incidents of Relationship Violence*

Upon addressing the immediate safety needs, individuals have multiple options for reporting incidents of relationship violence, depending on their comfort level and confidentiality needs. Students reporting incidents of sexual misconduct, to include sexual assault; sexual harassment; dating violence, domestic violence and stalking of a sexual nature, may contact:

Mrs. Rita Lipshitz  
Title IX Coordinator  
2606 W. Touhy Avenue  
Chicago, Illinois 60645  
(773) 973-0241  
Email: lipshitz@htc.edu

#### *Options to File a Grievance*

A victim of any criminal act, to include domestic violence, dating violence, stalking and or sexual assault has the option to pursue a criminal complaint with the police and if requested may be assisted by campus personnel to make the call. If the victim and the accused are both affiliated with the College, a complaint of sexual misconduct may be pursued through the College or through both processes consecutively or concurrently. Regardless of the option, the College will promptly initiate an investigation of domestic violence, dating violence, sexual assault and stalking in a prompt comprehensive manner consistent with the obligations identified in VAWA and the College's Title IX Policy.

#### *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)

#### **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 a protected class should immediately contact the Title IX coordinator. When Hebrew Theological College has notice of the occurrence, Hebrew Theological College will take effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

## **Definitions**

### *Discrimination and Harassment*

Harassment on the basis of any protected characteristic is 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.

### *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.

## **Complaints**

Complaints may be filed by contacting the Office of Institutional Compliance:

Phone: 646-565-6000, ext. 55330

Email: [compliance@touro.edu](mailto:compliance@touro.edu)

## **ANTI-DISCRIMINATION POLICY**

Hebrew Theological College admits students to all of the rights, privileges, programs and other activities generally accorded or made available to students at the college or the Extension Division without regard to their race, creed, color, age, sex, national origin, or disability/handicap.

## **CRIME LOG**

The College maintains a database, which archives all crimes reported to the department, except when disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim. Information may be temporarily withheld if release of such information would: (a) jeopardize an ongoing criminal investigation or the safety of an individual; (b) cause a suspect to flee or evade detection; or (c) result in the destruction of evidence. The crime log data consists of the nature, date, time and general location of the crime and the disposition of the complaint, if known.

## **TIMELY WARNING OF CRIMINAL ACTIVITY**

In accordance with the Clery Act, the College will generate a Campus Safety Alert upon receiving notification from a College member or the Police of a crime that is occurring in or around our campus buildings that represents an ongoing or a continuous threat to the College Community.

## CRIME STATISTICS CATEGORIES AND RECORDING MEASURES

Statistical crime data is provided for the past three calendar years in accordance with the federal laws articulated in the Clery Act. Data included in the statistics column for Murder/ Non Negligent Manslaughter, Negligent Manslaughter, Domestic Violence, Dating Violence, and Stalking, Sex Offenses, Aggravated Assault, Larceny / Theft, Intimidation, Simple Assault, Vandalism and Motor Vehicle Thefts represent the number of victims in the crime occurrence. Similarly, cases involving arrests for Liquor Law, Drug Law and Illegal Weapons violations are recorded per person. Statistics captured under “Referred for Disciplinary Action” reflect the number of individuals in a reported incident submitted to a campus official authorized to administer and maintain a record of a disciplinary action. Statistics recorded for Robbery, Burglary and Arson indicate the number of occurrences only.

	2019		2020		2021	
<b>On Campus</b>	<b>Skokie Campus</b>	<b>Chicago Campus</b>	<b>Skokie Campus</b>	<b>Skokie Campus</b>	<b>Chicago Campus</b>	<b>Skokie Campus</b>
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Murder	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Liquor law violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Drug-related violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Weapon possession violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Violence Against Women Act (VAWA) offenses</b>	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

	2019		2020		2021	
<b>Residential Facilities</b>	<b>Skokie Campus</b>	<b>Chicago Campus</b>	<b>Skokie Campus</b>	<b>Skokie Campus</b>	<b>Chicago Campus</b>	<b>Skokie Campus</b>
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Murder	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Liquor law violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Drug-related violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Weapon possession violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Violence Against Women Act (VAWA) offenses</b>	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

	2019		2020		2021	
<b>Public Property</b>	<b>Skokie Campus</b>	<b>Chicago Campus</b>	<b>Skokie Campus</b>	<b>Skokie Campus</b>	<b>Chicago Campus</b>	<b>Skokie Campus</b>
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Murder	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Liquor law violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Drug-related violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Weapon possession violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Violence Against Women Act (VAWA) offenses</b>	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

## HATE CRIMES STATISTICS

<b>Hate Crimes 2019 Skokie On-Campus</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual Orientation</b>	<b>Gender</b>	<b>Disability</b>	<b>Ethnicity/National origin</b>
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Murder	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Damage/Vandalism to Property	0	1	0	0	0	0

<b>Hate Crimes 2020 Skokie On-Campus</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual Orientation</b>	<b>Gender</b>	<b>Disability</b>	<b>Ethnicity/National origin</b>
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Murder	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Damage/Vandalism to Property	0	1	0	0	0	0

<b>Hate Crimes 2021 Skokie On-Campus</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual Orientation</b>	<b>Gender</b>	<b>Disability</b>	<b>Ethnicity/National origin</b>
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Murder	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Damage/Vandalism to Property	0	0	0	0	0	0

Note:. HTC has no non-campus facilities.

There were no Hate Crimes reports during the years 2019, 2020 and 2021 on/in the **Chicago Campus**, its' residential facilities or public property. HTC has no non-campus facilities.

## ANNUAL FIRE SAFETY REPORT

	2019				2020				2021			
	Fire	Injury	Death	Value	Fire	Injury	Death	Value	Fire	Injury	Death	Value
Skokie Campus	0	N/A	N/A	N/A	0	N/A	N/A	N/A	0	N/A	N/A	N/A
Chicago Campus Touhy Housing	0	N/A	N/A	N/A	0	N/A	N/A	N/A	0	N/A	N/A	N/A
Chicago Campus Rockwell Housing	0	N/A	N/A	N/A	0	N/A	N/A	N/A	0	N/A	N/A	N/A

	Fire Safety Amenities					
	Fire Alarm Monitoring	Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plans and Placards	Fire Drills Previous Calendar Year
Skokie Campus	Y	Y	Y	Y	Y	3
Chicago Campus Touhy Housing	Y	Y	Y	Y	Y	1
Chicago Campus Rockwell Housing	Y	Y	Y	Y	Y	1



## **Appendix A**

### **HEBREW THEOLOGICAL COLLEGE DRUG AND CONTROLLED SUBSTANCES POLICY**

#### **1.0 POLICY**

The United States Department of Education has issued regulations implementing the provisions of The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). In compliance with Federal Law and Illinois State Law, this policy includes information to ensure that all members of the Hebrew Theological College (“HTC”) Community are aware of the dangers of substance abuse and to outline the sanctions for violating this policy.

Hebrew Theological College prohibits the illegal and irresponsible use of alcohol and other drugs, including abuse of prescription drugs, in accordance with Halakhic authorities as well as applicable federal, state, and local laws. Students, faculty and staff who distribute or use illegal drugs or illicitly use drugs which would otherwise be legal, including alcohol, while on HTC campuses, locations and facilities, or as part of any HTC activities, are violating Federal Laws, Illinois State Laws, and the policies and procedures of HTC. Violations of federal and state laws may lead to prosecution and criminal sanctions, including, but not limited to, fines and/or imprisonment.

As an institution whose mission focuses on the religious and general education of Orthodox Jews, Hebrew Theological College is fortunate to attract only those students committed to a Torah-observant environment which is not conducive to the casual use of alcohol, illegal drugs, or the abuse of prescription drugs. However, it is incumbent upon us to be familiar with the specific policies regarding such use as well as resources for individuals affected by such addictions.

HTC may provide confidential counseling and referral services to students, faculty and staff with drug and/or alcohol problems. These services are available through the Deans, Mashgiach Ruchani, and Menahel Ruchani. All inquiries and requests for assistance will be handled with confidentiality.

#### **2.0 PURPOSE**

HTC seeks to safeguard the health and well-being of all members of HTC: students, faculty and staff. All members of HTC are accountable to know the law and to understand the policies and procedures of HTC.

#### **3.0 PUBLIC EDUCATION STATEMENT ON ILLICIT DRUG AND ALCOHOL USE**

In order to better educate students, faculty and staff, HTC wishes to provide all members of HTC with an education of the effects of substance abuse. The mind-altering substances to be discussed here are: marijuana, cocaine, heroin (and their derivatives); amphetamines (uppers); barbiturates (downers); hallucinogens; and

alcohol. Many individuals take such drugs to escape from their problems; but doing so only creates more problems.

What are some of the health problems associated with drugs?

- The most obvious problems are death or severe organ damage (such as heart attack, respiratory arrest, damage to the liver and lungs, and stroke).
- The less obvious, though much more prevalent, problems of the mind and body are as follows:
  - **Marijuana:** Can cause short-term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems; long-term health effects include permanent damage to lungs, reproductive organs and brain function; Can interfere with physical, psychological, social development of young users.
  - **Cocaine (Crack):** Can cause short-term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion; long-term effects may include damage to respiratory and immune systems; malnutrition, seizures and loss of brain function; highly addictive.
  - **Hallucinogens (PCP, LSD, ecstasy, DXM):** Can cause extreme distortions of what's seen and heard; induces sudden changes in behavior, loss of concentration and memory; increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma and death. Frequent and long-term use can cause permanent loss of mental function.
  - **Inhalants** (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons): Can cause short-term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions; may lead to rapid and irregular heart rhythms, heart failure and death; long-term use may result in loss of feeling, hearing and vision; can result in permanent damage to the brain, heart, lungs, liver and kidneys.
  - **Opiates/Narcotics** (heroin, morphine, opium, codeine, oxycodone, china white): Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest and death; long term use leads to malnutrition, infection and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly.
  - **Sedatives:** Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, convulsions and death; withdrawal can be

dangerous; in combination with other controlled substances can quickly cause coma and death; long-term use can produce physical and psychological dependence; tolerance can increase rapidly.

- **Tobacco** (cigarettes, cigars, chewing tobacco): Can cause diseases of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD) and emphysema, and cancer, particularly lung cancer and cancers of the larynx and mouth; nicotine is highly addictive.
- **Alcohol**: Can cause short-term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long-term effects include risk of liver and heart damage, malnutrition, cancer and other illnesses; can be highly addictive to some persons.

**Warning! AIDS:** Users of needles who take any drugs run a high risk of contracting AIDS and hepatitis.

**Warning! Addiction:** This is the common denominator for all mind-altering substances. With its insidious onset, addiction often goes undetected until the user's life is in chaos. Addiction pervades one's life, overpowering one's ability to reason and to relate to others. Addiction ruins the user's life and the lives of those around him/her.

#### 4.0 DISCIPLINARY STANDARDS FOR POSSESSING, USING, DISTRIBUTING AND/OR SELLING DRUGS & CONTROLLED SUBSTANCES

For **students**:

It is the policy of HTC, as stated in the Personal Conduct policy, that the unlawful use, possession, distribution, or manufacture of drugs or controlled substances on HTC property is strictly prohibited. Individuals who possess use, distribute or manufacture drugs or controlled substances are subject to disciplinary action, including but not limited to expulsion, as well as possible criminal prosecution. Students found in violation of these policies may be subject to disciplinary proceedings as outlined in the school catalogs and student handbooks. Student violators may be subject to the following sanctions and remedial measures:

Nature of Violation	Responses for First-Time Violations May Include, But Are Not Limited To:	Responses for Repeat Violations May Include, But Are Not Limited To:
Possession or use of alcohol or other drugs in violation of HTC policy or federal, state, or local law	<ul style="list-style-type: none"> <li>• Warnings</li> <li>• Disciplinary Probation</li> <li>• Counseling and treatment</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary Probation</li> <li>• Mandatory referral for counseling and treatment</li> </ul>

	<ul style="list-style-type: none"> <li>• Service to the college community</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension from dormitory (if dormitory student)</li> <li>• Parental Notification</li> <li>• College-Level disciplinary action</li> </ul>
Possession or use of alcohol or other drugs in violation of HTC policy or federal, state, or local law in a manner involving aggravated circumstances (e.g. actual/potential harm to self or others, disruption of the HTC community, repeated offenses)	<ul style="list-style-type: none"> <li>• Warnings</li> <li>• Disciplinary Probation</li> <li>• Mandatory counseling and treatment</li> <li>• College-Level disciplinary action</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary Probation</li> <li>• Mandatory counseling and treatment</li> <li>• Service to the college community</li> <li>• College-Level disciplinary action</li> </ul>
Distribution or intent to distribute a controlled substance in violation of HTC policy or federal, state, or local law	<ul style="list-style-type: none"> <li>• Legal action</li> <li>• College-level disciplinary actions</li> </ul>	<ul style="list-style-type: none"> <li>• Legal action</li> <li>• College-level disciplinary action</li> </ul>

HTC uses the following definitions for the above sanctions:

- **Possession:** Illegal holding or controlling of alcohol, drugs, or associated paraphernalia.
- **Use:** Illegal personal use of alcohol or drugs.
- **Abuse:** Repeated illegal use of alcohol or drugs, or use accompanied by other behavior, including but not limited to:
  - Disorderly, disruptive, or aggressive behavior that interferes with the well-being, safety, security, health, or welfare of the community and/or the regular operations of HTC
  - Engaging in or threatening to engage in any behavior that endangers the health, safety, or well-being of oneself, another person, or property
  - Physical violence (actual or threatened) against any individual or group of persons
- **Distribution:** Illegal sale, exchange, or giving of alcohol or other drugs to one or more persons. Factors to consider when determining HTC's response include, but are not limited to:
  - Health and wellness of the responsible student
  - HTC's interests
  - Impact on the HTC community
  - Type, quantity, and packaging of the substance
  - Number of persons to which the substance was distributed
  - Amount of revenue associated with the distribution
  - Existence of any other aggravating or extenuating circumstances

- **Warning:** A written reprimand putting the student on notice that he/she has violated the Personal Conduct Policy and indicating that further misconduct may result in a more severe disciplinary action. A copy of this warning is placed in the student's folder.
- **Probation:** A student may be placed on disciplinary probation for a definite period of time. While on probation, students may not represent HTC in any capacity. Further violations while on probationary status will result in suspension or expulsion from HTC.
- **Counseling and Treatment:** A student's continued enrollment at HTC may be conditioned on his/her participation in counseling or treatment at outside counseling and treatment agencies. A student's failure to participate in such a program after being advised that his/her enrollment is conditional upon it, may result in other disciplinary sanctions.
- **Legal Action:** The administration may recommend that students be turned over to law enforcement authorities for legal action. The final decision on referring student cases to the authorities is made by the Office of the CEO.

#### **College-Level Sanctions:**

- **Service to College Community:** Student must complete a designated number of hours of service to the HTC community. Service hours cannot interfere with the individual's course schedule.
- **Disciplinary Probation:** Exclusion from participation in specified privileges or HTC programs and activities as set forth in the notice of disciplinary probation for a designated period of time.
- **Restitution:** A student may be required to pay restitution to HTC or to fellow students for damages and losses resulting from his/her actions.
- **Suspension:** At any time during a student's enrollment at HTC he/she may be suspended and barred from attending classes for a definite period, not to exceed two years. Notification of the suspension will appear on the student's academic transcript and will remain until the end of the suspension period. A notification of the suspension will remain in the student's file. A student may not be automatically enrolled at the end of his suspension He/she must apply to the office of the Dean for re-enrollment.
- **Expulsion:** This is termination of the student's enrolled status at the college. A student who is expelled from the college is not permitted to complete his courses and may not re-register for a future semester. Notification of the expulsion will appear on the student's academic transcript.

#### **For faculty and staff members:**

Each faculty and staff member of HTC is expected to abide by HTC's policies for maintaining a drug-free workplace. The policy statement on drug abuse pertaining to students also applies to faculty and staff. Furthermore, all faculty and staff are required to notify the appropriate Dean of any criminal conviction relating to his or her own

drug activity within five (5) days of such conviction. Faculty and staff (part-time or full-time) who violate HTC policies on drugs and controlled substances may be subject to disciplinary sanctions, or other sanctions, as follows (sanctions need not be progressive):

- **Censure:** A written reprimand, outlining the violation(s) of HTC's policies, may be placed in the personnel file of individual violators.
- **Probation:** Faculty and/or staff may be placed on probation for a definite period of time up to a maximum of one year. In such instances, individuals may be required to enroll in a therapeutic counseling or treatment program.
- **Suspension:** Faculty and/or staff may be suspended from employment without pay for a period of time ranging from seven days to a maximum of one year.
- **Termination of Employment:** Faculty and/or staff may be dismissed from employment upon written notice by Vice President for Administration, the Chief Academic Officer, or the Chief Executive Officer.
- **Legal Action:** Faculty and/or staff may be turned over to law enforcement authorities for criminal prosecution and legal action.

In both cases for students and faculty and staff, the existence of a tiered system of disciplinary sanctions measures does not preclude HTC from levying a heavy sanction, without first resorting to a lesser sanction. By way of illustration and not exclusion, HTC may expel a student or terminate a staff member for a violation of policy without first issuing a warning or putting that student or employee on probation.

## **5.0 REGULATIONS ON ALCOHOL USE/ABUSE**

The following regulations apply to students, faculty and staff of HTC:

- The consumption of alcoholic beverages by individuals under the age of 21 is illegal.
- All persons are prohibited from consuming alcoholic beverages on the premises of HTC (unless at an event specifically sanctioned by HTC Administration in writing), or entering or remaining on HTC premises in an impaired state.
- Alcoholic beverages may not be served to HTC students as part of College-sponsored events or non-official activities connected with the College - except for sacramental purposes, and then only under faculty supervision.
- Students who meet the legal criteria for purchase of alcoholic beverages in Illinois may request permission from the Residence Supervisor or Dean to bring sacramental wine into the residence hall for Sabbath and/or holidays. Permission is granted only when the Residence Supervisor or Dean is confident that the beverage is consistent with the dictates of Jewish law and will be used for ritual purposes only by individuals conforming to State of Illinois criteria for the possession of alcohol.

- Any student, who falsely represents himself/herself at a sanctioned HTC event as being of age to consume alcohol, may be subject to disciplinary action as outlined in the Personal Conduct Policy.
- Any faculty and/or staff member of HTC who provides alcohol to a minor on HTC premises shall be subject to full penalty under the laws of Illinois.
- Forcing any student or faculty member to consume alcohol and/or drugs for the purpose of initiation into or affiliation with any HTC sanctioned organization is not permitted.
- Alcoholism, while it may be a disability, does not excuse any faculty and/or staff member of HTC from violating a legitimate HTC policy or neglecting their responsibilities to HTC. Individuals whose work performance is impaired as a result of the use/abuse of alcohol may be required to participate in an appropriate evaluation/treatment program and may, in certain circumstances, lead to sanctions against that individual. If you are an alcoholic, you may self-identify to the Dean of your campus or supervisor, as the case may be, and request confidential counseling and/or referral services to help with your problems. All inquiries and requests for assistance will be handled with strict confidentiality.
- HTC observes the culpability laws for serving drinks to the mentally-impaired and to individuals who are already inebriated. Some signs that may indicate if a person is inebriated may be the smell of alcohol on their clothes, impairment to speech, mood changes, slowed reflexes, or impairment of coordination.
- NOTE: Mothers who drink alcohol during pregnancy may give birth to infants with irreversible physical abnormalities and cognitive disabilities. Research shows that children of alcoholic parents are at greater risk.

## **6.0 CRIMINAL SANCTIONS FOR ALCOHOL MISUSE**

Persons giving or selling alcohol to someone under 21 years of age are committing a misdemeanor or possible felony crime punishable in Illinois State by a maximum \$,2500 fine and up to a year in jail for a misdemeanor offense and a prison sentence of a year or more and fines up to \$25,000.

If you are under the age of 21, you are prohibited from possessing alcoholic beverages with the intent to consume them. Each violation is punishable by a minimum \$500 fine and/or completion 25 hours of community service, preferably as part of an alcohol abuse prevention program. You can be convicted of a Class A misdemeanor punishable by up to one year in jail and fines up to \$2,500 for being under 21 and presenting falsified proof in the form of a valid license or state ID of another individual when purchasing or attempting to purchase alcoholic beverages. You can also be convicted of a Class 4 felony punishable by up to three years imprisonment and fines up to \$25,000 for being under 21 and presenting falsified proof in the form of a fraudulent

license or state ID which has been produced by someone other than a government office when purchasing or attempting to purchase alcoholic beverages.

## **7.0 SUBSTANCE ABUSE SELF-IDENTIFICATION AND AMNESTY**

HTC recognizes that, sometimes, there may be health or safety emergencies related to the use of drugs or alcohol in which the potential for disciplinary action by HTC may deter students who want to seek assistance for themselves or for another member of the HTC community. In such instances, the health and safety of the at-risk student will be HTC's top priority. Therefore, should a student, or another individual on behalf of that student, voluntarily come forward seeking assistance in a situation involving the over-consumption or abuse of drugs and/or alcohol, HTC's student conduct response to the over-consumption/abuse will be, first and foremost, focused on medical treatment, counseling, and/or educational interventions. However, HTC reserves the right to address any associated acts that compromises the well-being of its community and its members, such as harassment, violence, damage, harm to self or others, or distribution of illegal substances, on a case-by-case basis as deemed appropriate and necessary.

**Reporting a Personal Concern:** Students who have concerns about their use of alcohol and/or other drugs, or students who are concerned of such use by a friend, are encouraged to seek assistance through one of HTC's support services. Confidentiality in these circumstances may be protected in compliance with HTC policy and applicable law (e.g. FERPA, HIPPA, etc.).

## **8.0 SUBSTANCE ABUSE COUNSELING**

Many different mutual and self-help programs are available near HTC campuses. Although most programs are abstinence-based and follow the 12-step approach, there are also programs that support moderation and a goal and/or do not use 12 steps. Some of the programs listed below may have a religious affiliation, others may merely use spirituality as part of the program. Meeting times and locations are available upon contacting the corresponding phone numbers or websites. Each meeting is somewhat different from any other, even within the same program, both in terms of structure and participants. Many people find it helpful to explore different options.

### **United States**

- National Drug & Alcohol Treatment Referral Service:
  - Phone: 800-662-4357
- Alcoholics Anonymous:
  - Phone: 312-346-1475
  - Website: [www.chicagoaa.org](http://www.chicagoaa.org)
- Focus on Recovery:
  - Phone: 800-234-0420



- Marijuana Anonymous:
  - Phone: 800-766-6779
  - Website: [www.marijuana-anonymous.org](http://www.marijuana-anonymous.org)
- Cocaine Anonymous:
  - Phone: 310-559-5833
  - Website: [www.ca.org](http://www.ca.org)
- Narcotics Anonymous:
  - Phone: 708-848-4884
  - Website: [www.chicagona.org](http://www.chicagona.org)
- Al-Anon:
  - Phone: 773-471-0225
  - Website: [www.niafg.com](http://www.niafg.com)
- Illinois Department of Human Services
  - Phone: 800-843-6154
  - Website: <http://www.dhs.state.il.us/page.aspx?item=29725>

#### **Israel**

- Narcotics Anonymous:
  - Phone: 972-50-5947837
  - Website: <http://www.naisrael.org.il/>
- Retorno International Recovery Group:
  - Phone: 718-210-9755
    - 972-52-436-9888
  - Email: [Soshana@retorno.org](mailto:Soshana@retorno.org)
  - Website: [www.retorno.org](http://www.retorno.org)
- Malkishua Drug Rehabilitation Center:
  - Phone: 972-46488222
  - Email: [malikishua@malikishua.org.il](mailto:malikishua@malikishua.org.il)
  - Website: <http://www.malkishua.org.il>
    - <http://www.malkishua.org.il/eng/> (English version)

## **9.0 IMPLEMENTATION**

This policy shall be implemented by the Vice President for Administration and the Chief Academic Officer.

## **10.0 APPROVAL**

This policy has been approved by the Chief Executive Officer and the Office of Institutional Compliance.

## **Appendix B**

### **TITLE IX GRIEVANCE POLICY, SEXUAL MISCONDUCT POLICY AND COMPLAINT FORM**

#### **TOURO COLLEGE AND UNIVERSITY SYSTEM**

#### **TITLE IX GRIEVANCE POLICY**

*Effective August 14, 2020*

### **1.0 POLICY**

The Touro College and University System, specifically: Touro College, Touro University California, Touro University Nevada, New York Medical College and Hebrew Theological College (hereinafter collectively referred to as “Touro”), seek to maintain a safe learning, living, and working environment for all members of its community. In addition, as individual educational institutions, Touro subscribes to all federal, state, and institutional laws and regulations necessary to ensure that goal.

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX’s prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student’s ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of “sexual harassment” (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

Based on the Final Rule, Touro will implement the following Title IX Grievance Policy, effective August 14, 2020.

As such, this policy is meant to work in harmony with other applicable Touro policies and procedures that address sexual and discriminatory misconduct. In the event that the alleged violation falls within the scope of Title IX, this policy serves as the operating process for addressing the violation while also subscribing to any regulations or reporting requirements of other federal and state laws addressed in the Touro Sexual Misconduct Policy.

### **11.0 PURPOSE**

All divisions of Touro seek to foster a collegial atmosphere where students are nurtured and educated through close faculty-student relationships, student camaraderie, and individualized attention. Sexual Harassment of any kind, is detrimental to Touro’s mission, history, and identity. Touro will resolve any Covered Sexual Harassment in a timely and effective manner. Compliance with Touro’s policies and procedures is a necessary step in achieving a safe environment in our educational community.

The policy set forth were developed to promote a safe educational environment in compliance with Final Rule under Title IX of the Educational Amendments of 1972. Those believing that they have been subject to Sexual Harassment, as defined in the Final Rules under Title IX, should immediately contact the Title IX Coordinator. When the Title IX Coordinator has received a Formal Notice of the occurrence, Touro is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

### **12.0 SCOPE**

This policy applies to all members of Touro (including Touro College, Touro University California, Touro University Nevada, New York Medical College and Hebrew Theological College), including students, faculty, and administrators as well as third-parties (including, but not limited to, vendors, invitees, etc.).

This policy applies to events that occur in the United State in any on-campus premises, any off-campus premises that Touro has substantial control over or in any activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Touro's programs and activities over which Touro has substantial control.

## **13.0 PROCEDURES**

### ***4.1 HOW DOES THE TITLE IX GRIEVANCE POLICY IMPACT OTHER CAMPUS DISCIPLINARY POLICIES?***

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Touro must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. *Only* incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

Touro remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

- A **Code of Conduct** that defines certain behavior as a violation of campus policy, and a separate **Sexual Misconduct Policy** that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Conduct or Sexual Misconduct Policy through a separate grievance proceeding.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

### ***4.2 GENERAL RULES OF APPLICATION***

#### **Effective Date**

This Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the Title IX Grievance Policy if a case is not complete by that date.<sup>2</sup>

#### **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner,

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<sup>2</sup> This specific provision may be subject to additional guidance from OCR (if issued).

any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Code of Conduct, Sexual Misconduct Policy or any other relevant policy.

### **How does the Title IX Grievance Policy impact the handling of complaints?**

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full below.

#### **4.3 MAKING A REPORT REGARDING COVERED SEXUAL HARASSMENT**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator at each Touro School:

##### Touro University & New York Medical College

Matthew Lieberman  
50 West 47<sup>th</sup> Street , 14th Floor  
New York, NY 10018  
Phone: 646-565-6000 x55667  
Email: [Matthew.Lieberman@touro.edu](mailto:Matthew.Lieberman@touro.edu)

##### Touro University California & Touro University Nevada

Zachary Shapiro  
874 American Pacific Drive  
Henderson, Nevada 89014  
Phone: 707-638-5459  
Email: [Zachary.Shapiro@tu.edu](mailto:Zachary.Shapiro@tu.edu)

##### Hebrew Theological College

Mrs. Rita Lipshitz  
2606 W. Touhy Avenue  
Chicago, Illinois 60645  
Phone: (773) 973-0241  
Email: [lipshitz@htc.edu](mailto:lipshitz@htc.edu)

##### Touro University Worldwide/Touro College Los Angeles

Zachary Shapiro  
874 American Pacific Drive  
Henderson, Nevada 89014  
Phone: 707-638-5459  
Email: [Zachary.Shapiro@tu.edu](mailto:Zachary.Shapiro@tu.edu)

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

#### **4.4 INITIAL ASSESSMENT**

*Note: Until it is determined whether the alleged misconduct falls under the Title IX policy, Touro's Sexual Misconduct policy, or other relevant policy or procedure the "Responsible Administrator" can be the Title IX Coordinator, Compliance Officer or any other individual designated to investigate claims. When a determination is made such that the alleged misconduct meets the relevant requirements under the Title IX policy, only the term Title IX Coordinator*

*will be used. In addition, an individual who makes a report of alleged misconduct is referred to as the “Potential Complainant” until he or she makes a written, formal complaint, as required by the Title IX regulations, at which point only the term “Complainant” will be used under this Title IX Grievance policy.*

Whenever the Responsible Administrator receives notice of alleged misconduct, they will promptly contact the Potential Complainant regarding the alleged misconduct for an initial assessment. At that point, the Responsible Administrator will (in no particular order):

- assess the nature and circumstances of the report;
- assess immediate concerns including physical safety and emotional well-being of the Potential Complainant;
- discuss the Potential Complainant’s right to contact law enforcement and right to seek medical treatment;
- provide the Potential Complainant information about resources (on-campus and off-campus) and the availability of appropriate and supportive measures;
- advise on Touro’s policy regarding confidentiality and retaliation; and
- explain the process and requirements for filing a formal complaint under Title IX.

By law, a formal written complaint must be made before the Title IX process can begin. Before a Potential Complainant can file a formal complaint under Title IX, the Responsible Administrator will determine whether:

- the alleged misconduct can be classified under Title IX;
- the Title IX Coordinator has the ability to file a formal complaint on behalf of the Potential Complainant;
- the alleged misconduct should be handled under a separate college policy or procedure.

#### **4.5            *NON-INVESTIGATORY MEASURES AVAILABLE UNDER THE TITLE IX GRIEVANCE POLICY***

##### **Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Touro regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive and may include, but are not limited to, the following as appropriate:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

##### **Emergency Removal**

Touro retains the authority to remove a respondent from Touro program or activity on an emergency basis, where Touro (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Touro determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

##### **Administrative Leave**

Touro retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process.

#### **4.6            *DETERMINATION OF TITLE IX RESPONSE***

### Definition of Sexual Harassment

If a complaint is to be addressed under Title IX, the alleged misconduct must first meet the definition of Covered Sexual Harassment, as defined under Title IX, which includes any conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
- Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
- Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable state and local domestic or family violence laws or by 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 the State or local jurisdiction.
- Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

*Note that conduct that does not meet one or more of these criteria may still be prohibited under the Touro Code of Conduct or other relevant policy.*

If the alleged misconduct meets the Title IX definition of Sexual Harassment provided above, the Title IX grievance process below then applies to the conduct of members of the Touro community, including students, employees, and third parties, who are located in the United States, and occurred in:

- Any on-campus premises
- Any off-campus premises that Touro has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Touro's programs and activities over which Touro has substantial control.

For Avoidance of doubt, the Title IX process will apply when ***all*** of the following elements are met, in the reasonable determination of the Responsible Administrator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Touro's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If the alleged misconduct meets these requirements, then the Title IX grievance process applies and the Potential Complainant may file a Formal Complaint or their prior Complaint submission will become a Formal Complaint.

If the alleged misconduct does not meet these Title IX requirements, it requires a mandatory dismissal under Title IX, but it may be addressed by the broader Touro Sexual Misconduct Policy or another applicable Touro policy. In the event of a dismissal, the Responsible Administrator will provide written reasoning for the dismissal determination to the Potential Complainant with information on how to appeal, if desired.

#### **4.7 DISMISSAL OF COMPLAINTS**

Under Title IX, there are instances when complaints are dismissed. These dismissals fall into two categories: (1) mandatory dismissals and (2) discretionary dismissals.

##### **Mandatory Dismissal**

A mandatory dismissal occurs in the event that the conduct:

- (1) is alleged to have occurred before August 14, 2020;
- (2) does not meet the Title IX definition of Sexual Harassment;
- (3) did not occur in Touro's education program or activity; or
- (4) did not occur against a person in the United States.

If any of these three situations are present, then Touro must dismiss the complaint under Title IX. Touro will provide notice of dismissal to the Parties, including information on how to appeal the dismissal. At the same time, if applicable, the alleged conduct may be addressed under another Touro policy.

##### **Discretionary Dismissal**

A discretionary dismissal may occur in a few situations:

- (1) the Complainant wishes to withdraw or does not submit the formal complaint,
- (2) the Respondent is no longer enrolled at or employed by Touro, or
- (3) the specific circumstances prevent Touro from gathering sufficient evidence to investigate or make a determination toward the allegations; or
- (4) Does not follow the process or protocols established in this Title IX Grievance policy.

In these events, Touro may choose to dismiss the complaint. Touro will provide notice of the dismissal to the parties currently involved and information on how to appeal the dismissal.

#### **4.8 FORMAL COMPLAINT**

##### **Filing a Formal Complaint**

If the alleged misconduct meets the Title IX requirements, the Responsible Administrator cedes responsibility of the Title IX complaint process to the Title IX Coordinator.<sup>3</sup> The Title IX Coordinator will then advise the Potential Complainant on the process to proceed with a Formal Complaint.

For the purposes of this Title IX Grievance Policy, "Formal Complaint" means a document – including an electronic submission - filed by a Complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Touro's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, provided that the Process may be extended in situations that, include but are not limited to, the absence of a party, a party's Process Support Person, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Touro, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in the Code of Conduct, Sexual Misconduct Policy or any other relevant policy.

If a Potential Complainant chooses not to file a Formal Complaint and the matter is determined to fall under Title IX, the Title IX Coordinator may, in their sole discretion, choose to file a Formal Complaint on the individual's behalf. The Title IX Coordinator must determine that failure to file the Formal Complaint would be clearly unreasonable and not in the best interests of the Touro community. Touro will inform the complainant of this decision in writing, and

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<sup>3</sup> The Responsible Administrator role shall no longer be used once a determination of the appropriate process has been made. If the Title IX Coordinator was previously serving as the Responsible Administrator, the individual shall continue with the process.

the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in this Title IX Grievance Policy or the Code of Conduct, Sexual Misconduct Policy or any other Touro policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### **Notice of Formal Complaint**

If a Potential Complainant chooses to file a Formal Complaint in a Title IX matter, their status will be adjusted to Complainant. Touro will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate. The notice of the Formal Complaint will be sent promptly to all relevant parties, as soon as practicable, after the institution receives a Formal Complaint of the allegations if there are no extenuating circumstances, which includes:

- the identities of the parties involved in the alleged incident, if known;
- the alleged conduct constituting Sexual Harassment;
- the date and location of the alleged incident, if known;
- the prospective grievance process and next steps;
- a statement that the Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at conclusion of the grievance process;
- a statement informing both parties that they may choose a Process Support Person, who will be their advisor, who may be, but is not required to be an attorney;
- any measures taken by Touro that affects both parties;
- a notice informing parties of any provisions of other Touro policies that prohibit knowingly making false statements, or knowingly submitting false information; and
- a notice of Touro's retaliation policy.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

After notice of the Formal Complaint has been received by both parties, and Touro has provided sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview, the Title IX Coordinator, or their designee, will initiate the Title IX informal review process or investigation process.

### **4.9 INFORMAL RESOLUTION PROCESS**

At any time after a Formal Complaint is filed, the Title IX Coordinator or their designee may, in their discretion, choose to offer and facilitate an Informal Resolution process, so long as both Parties give voluntary, informed, written consent to attempt Informal Resolution. Touro may not require the Parties to participate in an Informal Resolution process or require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal Investigation and adjudication of Formal Complaints of Title IX Prohibited Conduct. Any person who facilitates an Informal Resolution will be experienced and trained in dispute resolution and trained on this Title IX Procedure.

#### **Withdrawing from an Informal Resolution Process**

At any time prior to agreeing to an Informal Resolution, any Party has the right to withdraw from the Informal Resolution process and resume the process with respect to the Formal Complaint.

#### **Matters Not Eligible for Informal Resolution**

- No Informal Resolution process will be offered before a Formal Complaint is filed.
- No Informal Resolution process will be offered to resolve Formal Complaints involving a student as Complainant and a staff or faculty member as Respondent.

### **4.10 INVESTIGATION**

#### **General Rules of Investigations**



The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute Covered Sexual Harassment under Title IX after issuing the Notice of Allegations.

Touro cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Touro will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

## **Process**

As a first step in the investigation process, a Title IX Investigator will be designated to conduct a prompt, thorough, and impartial investigation into the alleged conduct identified in the Formal Complaint.

The Title IX Investigator will, at a minimum, interview both the Complainant and the Respondent who will each have an equal opportunity to:

- speak about the complaint;
- to submit any inculpatory or exculpatory evidence or information; and
- to identify witnesses who may have information directly related to the alleged conduct.

The Title IX Investigator may also interview any relevant witnesses and interested parties, and re-interview the Complainant or Respondent, if appropriate.

Both parties may also have a Process Support Person of their choice present with them during any phase of the investigation.<sup>4</sup> Touro may, at its discretion, establish restrictions on a Process Support Person's participation. The restrictions must apply equally to both parties including, but not limited to, barring a Process Support Person's participation during the interview process.

## **Relevant Evidence and Questions**

"Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege).
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

## **Investigation – Review of Information**

Upon completion of the investigation, but prior to completing the investigative report, the Title IX Investigator will provide both the Complainant and Respondent evidence and information gathered directly related to the alleged misconduct in the Formal Complaint. The evidence and information will be provided in a manner equally accessible to both parties.

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<sup>4</sup> Touro is not obligated to provide a Process Support Person to either party at the investigation stage of the Title IX process.

Both parties will then be given a ten (10) business day review period to examine the evidence and information. At the conclusion of the ten (10) business day review period, each party has the right to submit a written response to the Title IX Investigator commenting on the evidence and information that can be considered before completing the draft investigative report.

### **Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the relevant evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

### **Investigation – Investigative Report**

After both parties have had an opportunity to review directly related evidence and information, the Title IX Investigator will then draft an investigative report that compiles and fairly summarizes all of the relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

Both the Complainant and Respondent will then be given a ten (10) business day review period to examine the draft of the investigative report. At the conclusion of the ten (10) business day review period, each party has the right to submit a written response to the Title IX Investigator to comment on the investigative report.

The Title IX Investigator will prepare the final investigative report for the adjudication phase of the grievance process.

### **Confidentiality/Destruction of Evidence, Information and Documents**

Each Party is responsible to keep private (by not disseminating beyond Support Persons) documents, materials, and information received from Touro during this process. Failure to comply will be considered a violation of Touro policy and may incur separate sanctions. Additionally, The responsibility to destroy, when so directed by Touro, evidentiary materials and/or writings submitted by the other Party as party of the process.<sup>5</sup>

#### ***4.11 DECORUM AND PERMISSIVE CONDUCT OF PROCESS SUPPORT PERSON***

Both the Complainant and Respondent have the right to choose a Process Support Person. The Process Support Person will be the advisor of choice for such Party.

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<sup>5</sup> A Party or Witness may not distribute materials obtained through the process and may not engage in Retaliatory or Intimidating conduct aimed at any other participants in the process. Touro will investigate allegations of a person engaging in any of these prohibited acts. Touro recognizes, however, that it cannot otherwise prevent individuals from speaking openly about their experience and the Title IX process.

Touro has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by a Process Support Person of choice to any meeting or hearing to which they are required or are eligible to attend.

While all parties involved in the Title IX grievance process may have a Process Support Person present (including at investigative interviews and scheduled live hearings) and, aside from questioning parties or witnesses during the live hearing, a Process Support Person may not actively participate at any other point in the process. Any Process Support Person who violates these expectations may not be permitted to participate further in the process. All questioning by the parties must be conducted through a Process Support Person.

Touro will not intentionally schedule meetings or hearings on dates where the Process Support Person of choice for all parties are not available, provided that the Process Support Person act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Only one Process Support Person will be allowed to accompany a Party to meetings with Investigators or at the Hearing (including meetings that occur using technology, such as Zoom).

Each Party may elect to identify an attorney to serve as a Process Support Person. An attorney acting in this role has no different role in the process and serves in the same capacity as a non-attorney.

If a Party arrives at the Hearing without a Process Support Person, Touro will designate a Process Support Person to conduct the oral cross-examination on behalf of the Party. The oral cross-examination questions will be provided to the Process Support Person by the Party they are designated to assist. Touro is not obligated to provide a Process Support Person to either party at the investigation stage of the Title IX process. Additionally, any Process Support Person provided by Touro is solely provided for the purpose of asking questions requested by the party during the cross-examination stage of the Hearing. A Process Support Person provided by Touro does not represent either party in any legal, strategic or other advisory capacity and, as such, are not responsible for any outcomes or consequences related to their involvement. Under no circumstances, is any attorney-client, fiduciary or other duty-bound relationship formed by the Touro's provision of a Process Support Person during the Hearing.

#### ***4.12 ADJUDICATION/HEARINGS***

##### **General Rules of Hearings**

Touro will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at Touro's sole discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through Zoom or other appropriate video conferencing tools available at the time. This technology will enable participants simultaneously to see and hear each other. At its discretion, Touro may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through either recording and/or transcript. The choice of medium is at Touro's sole discretion.

Prior to obtaining access to any evidence, the parties and their Process Support Person must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn. Failure to sign or adhere to this agreement may result in a negative inference against the party and the immediate withdrawal of that Process Support Person from the Title IX grievance process.

##### **Notice of Hearing**

Upon completion of the investigation, and after the investigative report is complete, the Complainant and Respondent will be notified in writing of:

- the date, time, and location of the live hearing;
- the applicable grievance process;
- that both Parties can have a Process Support Person of their choice;

- that they may inspect and review evidence obtained in the investigation;
- the allegations and conduct that potentially constitute Sexual Harassment;
- the identities of the Parties involved (if known); and
- the date and location of the alleged offense (if known).

Depending on the circumstances and, at the sole discretion of Touro, the hearing may be conducted in-person or virtually, but will always be conducted in real-time. Permission to postpone a hearing may be granted provided that the request to postpone is reasonable.

Prior to the scheduled hearing, a trained Decision-maker will be appointed to be the fact-finder of responsibility for the alleged conduct. The Title IX Investigator will provide the Decision-maker with the finalized investigative report for review prior to the hearing.

While the Complainant, Respondent and witnesses are expected to be present and fully participate in the hearing (including being subject to questioning by a Process Support Person), it is the right of any and all parties to choose not to participate in the hearing of the alleged conduct. In the event that any party chooses not to participate fully in the hearing process, their statements (including those made in the investigation stage) may not be considered in the Decision-maker's determination of responsibility.

If the hearing is held in-person (not virtually), by request of either the Complainant or Respondent, questioning by a Process Support Person can be conducted in separate rooms with technology available that enables the other party to see and hear the questioning in real-time. The entire hearing will be recorded, either by electronic means or transcription. The recording will be made available, upon request, for inspection and review to both Parties. This recording will be kept on file by Touro in accordance with applicable rules and regulations.

### **Continuances or Granting Extensions**

Touro may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Touro will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Before the Hearing**

Prior to the Hearing, each party will be required to submit any questions, that have not already been addressed in the investigation, that they wish to ask at the oral-cross examination to the Title IX Coordinator no later than twenty-four (24) hours before the Hearing is scheduled to begin.

The Title IX Coordinator will provide the questions to the Decision-maker, who will determine the relevancy of each of the questions. If deemed relevant, the question is permissible to be asked during the hearing. If the Decision-maker determines that a question is not relevant, they will provide a brief reasoning for that decision and the question will not be permitted to be asked during the Hearing. Parties may appeal the relevance determinations at the beginning of the Hearing. The Decision-Maker will endeavor to provide their relevancy determinations at least one hour prior to the Hearing, but no later than the commencement of the Hearing.

#### *Understanding Relevance:*

For these adjudications, the basic test for relevance is whether the question posed is probative to the question of responsibility. This includes a Process Support Person asking questions that addresses the credibility of the party. However, there are some topics that are presumptively never relevant unless an exception applies or a party has waived a privilege. These topics include questions and evidence:

- about the Complainant's sexual predisposition or prior sexual behavior, unless offered to prove that someone other than the Respondent committed the alleged conduct;
- that concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent, unless offered to prove consent;
- that would traditionally be protected by a legally recognized privilege (e.g., attorney-client privilege), unless the party has waived the privilege;
- in reference to a party's psychological or medical records unless the party has given voluntary, written consent.

### **Participants in the Live Hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

*Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party.
- Touro will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation.
- If a party does not submit to cross-examination, the Decision-Maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions.

*The Decision-maker*

- The hearing body will consist of a single Decision-Maker.
- The Decision-Maker will also not have served as the Title IX Coordinator, Title IX investigator, or Process Support Person to any party in the case, nor may the Decision-Maker serve on the appeals body in the case.
- The Decision-Maker will not have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The Decision-Maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a Decision-Maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

*Process Support Person*

- Both the Complainant and Respondent have the right to choose a Process Support Person. The Process Support Person will be the advisor of choice for such Party at the Hearing and may be, but does not have to be, an attorney. An attorney acting in this role has no different role in the process and serves in the same capacity as a non-attorney.
- The Process Support Person of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties themselves are not permitted to conduct cross-examination; it must be conducted by the Process Support Person. As a result, if a party does not select a Process Support Person, the institution will select a Process Support Person to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The Process Support Person is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The Process Support Person is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party’s Process Support Person may appear and conduct cross-examination on their behalf.
- If neither a party nor their Process Support Person appear at the hearing, Touro will provide a Process Support Person to appear on behalf of the non-appearing party.
- Process Support Personnel shall be subject to Touro’s Rules of Decorum, and may be removed upon violation of those Rules.

*Witnesses*

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.

- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

## **Hearing Process**

1. The hearing will begin with any appeals by the Parties to the Pre-Hearing relevancy determinations by the Decision-maker.
2. The Decision-maker will then open the hearing by establishing the rules and expectations. The Decision-maker will then read the charges.
3. The Title IX Investigator will then provide a statement summarizing the investigation findings as recorded in the investigative report.
4. Either party (Complainant or Respondent) that has provided a statement that is included in the investigative report may subsequently request to provide a brief statement of additional clarification of no more than five (5) minutes in duration.
5. Upon conclusion of any clarification statement, the Decision-Maker will ask questions of the Parties and Witnesses.
6. Parties will be given the opportunity for live cross-examination after the Decision-Maker conducts its initial round of questioning; During the Parties' cross-examination, Decision-Maker will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions; and at any time necessary in order to enforce the established rules of decorum. The Complainant, then followed by the Respondent, may have their Process Support Person ask any approved, relevant questions that have not already been addressed in the investigation or hearing. Should a Party or the Party's Process Support Person choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-Maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-Maker to use statements made by the Party.
7. Each Party will have an opportunity to submit additional questions for review by the Decision-Maker after the initial Oral Cross-Examination has concluded. Should such questions be approved, the Complainant, followed by the Respondent, may have their Process Support Person ask any additional approved, relevant questions. There will only be one round of additional questions allowed.
8. There shall be no Oral Direct Examination at any point in the hearing process. The only time it is may be allowed is if a Party identifies, and provides sufficient justification for, an "Expert Witness" prior to the Hearing. If an "Expert Witness" is identified by one party, the other party will have an opportunity to Cross-Examine that "Expert Witness", if they so choose.
9. Upon completion of questioning, any Party must raise any procedural, substantive, bias, conflict or other perceived irregularity to the Decision-Maker's attention for review and consideration. Failure to do so will forever waive such complaint.
10. Thereafter the Decision-maker will conclude the hearing.

## **Live Cross-Examination Procedure**

Each party's Process Support Person will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the Process Support Person will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Cross-examination questions that are duplicative of those already asked, including by the Decision-Maker, may be deemed irrelevant if they have been asked and answered.

## **Newly-discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Decision-Maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Decision-Maker answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing, or at the Decision-Maker's sole discretion an adjournment, to review the evidence or prepare for questioning of the witness.

### ***4.13 DETERMINATION OF RESPONSIBILITY***

#### **Standard of Proof**

Touro uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

#### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-Makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

It is well within the Decision-Maker's purview to make credibility determinations and the Decision-Maker will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that Touro allow parties to call "expert witnesses" for direct and cross examination. Touro does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the Decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Touro allows parties to call character witnesses to testify. Touro does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as

required by the Final Rule, the Decision-Maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that Touro admit and allow testimony regarding polygraph tests (“lie detector tests”) and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Decision-Maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-Maker may draw an adverse inference as to that party or witness’ credibility.

### **Components of the Determination of Responsibility**

Upon reviewing the investigative report and considering the statements and questions made by the Parties at the Hearing, within a reasonable time thereafter, the Decision-maker will make a determination of responsibility under the Preponderance of the Evidence standard. The Decision-maker will provide a written determination of whether the respondent is found to be responsible or not responsible. This written determination will be provided to both the Complainant and the Respondent simultaneously. The Decision-Maker’s written determination will also include the following information:

- identification of the allegations potentially constituting Sexual Harassment;
- a description of the procedural steps taken from receipt of the formal complaint through the making of the determination;
- the findings of fact used to make the determination;
- conclusions regarding the application of Touro’s Code of Conduct to the facts;
- a statement, and rationale for, the result of each allegation, including a determination regarding responsibility, any disciplinary sanctions, recommendation of or referral for disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to Touro’s education program or activity will be provided to the Complainant; and
- information on the procedures and permissible bases for parties to appeal the determination.

While both the Complainant and Respondent will be made aware of the determination of responsibility and the specifics of sanctions imposed on the Respondent (if any), any remedies provided to the Complainant will only be specified in the event that the remedy implicates and affects both parties. Further, the Title IX Coordinator has the responsibility to ensure the effective implementation of any remedies set forth in the written determination.

The decision is considered served and delivered on the date it is transmitted electronically to the Complainant and Respondent at their Touro provided email address. The time to appeal shall run from and including the date of such transmission.

### **4.14 APPEALS**

The Complainant and Respondent will both be provided with at least one level of appeal. The Complainant and Respondent are eligible to file an appeal to the final determination based on:

- a procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
- the Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome of the matter; or
- the sanction imposed is disproportionate to the violation.

The Complainant and Respondent may also appeal the mandatory or discretionary dismissal of a complaint based on the first three points listed above.

The request for an appeal must include the grounds for which the request is based and be submitted in writing to the Title IX Coordinator within seven (7) business days following the date of the written determination. The appeal should also state the remedy sought by the appealing party. Upon receipt of the appeal, the other party will receive notification



of the appeal and be provided opportunity to respond in writing. Written responses to the other party's appeal must be submitted within three (3) business days following the delivery of notice of the appeal.

In order to ensure a neutral and unbiased review, a party's request for appeal will be sent to an Appeals Panel comprised of individuals with no connection to the initial determination, which serves as a separate Decision-maker. An appeal decision will be rendered within twenty (20) business days after the receipt of the formal appeal request. The appeal decision will be provided in writing to both parties.

### **Finality**

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" above, or if an appeal is not filed, the date on which the opportunity to appeal expires.

## **5.0 RETALIATION**

Touro will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed with the Office of Institutional Compliance at [Compliance@touro.edu](mailto:Compliance@touro.edu).

## **6.0 PRIVACY AND CONFIDENTIALITY**

References made to *confidentiality* refer to the ability of identified confidential resources (e.g. priests/clergy) to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *confidentiality* or *privacy* mean Touro offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Touro will endeavor to limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for *confidentiality* or *privacy* cannot be honored.

Please note that Touro does not have any personnel that can be deemed or considered "Confidential Reporters" and, as such, all information provided to Touro may be disclosed to the Title IX Coordinator or other relevant administrator with Authority.

## **7.0 DISABILITY ACCOMMODATIONS**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide

disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

## **8.0 NON-DISCRIMINATION IN APPLICATION**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about Touro's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

## **9.0 SPECIFIC INCORPORATIONS**

Touro's Title IX Policy sits within the larger Touro Sexual Misconduct Policy. As such, this embedded policy specifically incorporates certain sections that impact the Title IX process. Those specific sections are:

- Section 4 - Definitions
- Section 6 – Sanctions for Violations
- Section 9 - Assistance for Victims: Rights & Options
- Section 10 – Victim Assistance
- Section 11 – External Reporting
- Section 14 – Resources for Sexual Harassment Victims

In the case of any inconsistency between this Title IX policy and the Sexual Misconduct policy, the language found in the policy related to the identified (Title IX or Sexual Misconduct) conduct shall control.

## **11.0 TRAINING**

Section 106.45(b) of the 2020 Final Title IX Rules require the sharing of “All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.” Accordingly, the following links to trainings are provided below.

### **Thompson Coburn – Title IX Training Series**

Module 1 –Fundamentals of the Law:

<http://content.thompsoncoburn.com/video/Module-1-Fundamentals-of-the-Law.mp4>

Module 2 – Formal Complaints:

<http://content.thompsoncoburn.com/video/Module-2-Formal-Complaints.mp4>

Module 3 –Investigations & Informal Resolutions: <http://content.thompsoncoburn.com/video/Module-3-Investigations-and-Informal-Resolutions.mp4>

Module 4 – Hearings:

<http://content.thompsoncoburn.com/video/Module-4-Hearings.mp4>

Module 5 - Determinations:

<http://content.thompsoncoburn.com/video/Module-5-Determinations.mp4>

### **FOR TOURO COLLEGE NEW YORK ONLY:**

**Student Conduct Institute – Campus Title IX Training**



This website includes all training materials created by the Student Conduct Institute for member institutions to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process in Title IX compliance and practices.

## **10.0 IMPLEMENTATION**

This policy shall be implemented by the Office of the Title IX Coordinator.

### HEBREW THEOLOGICAL COLLEGE SEXUAL MISCONDUCT POLICY

## **14.0 POLICY**

Hebrew Theological College (“HTC”) pledges its efforts to ensure an environment in which the dignity and worth of all members of the community are respected. It is the policy of HTC that sexual intimidation of students and employees is

unacceptable behavior and will not be tolerated. HTC will not tolerate unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature constituting sexual harassment or sexual assault (i.e. rape, fondling, incest or statutory rape).

All supervisors and managers who receive a complaint or information about suspected sexual misconduct, observe behavior that could be considered to be sexual misconduct or for any reason suspect that sexual misconduct is occurring, are required to report such suspected sexual harassment to the Office of Institutional Compliance. In addition to being subject to discipline if they engage in sexual misconduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual misconduct. Touro will also not tolerate any supervisory and/or managerial personnel who knowingly allow such behavior to continue.

In general, it is a sex crime to engage in any sexual contact with a person who does not affirmatively consent, or to engage in sexual intercourse, deviant sexual intercourse, or sexual abuse if it is accomplished by forcible compulsion. Illinois state law also defines these acts as crimes if any of them are engaged in with a person who is incapable of consent either because of the person's age or because the person is mentally incapacitated, or physically helpless. Therefore, sexual abuse, sexual assault, and rape are sex crimes and violators will be prosecuted in accordance with Illinois state law.

HTC subscribes to all federal, state and institutional laws and regulations to ensure the goal that it maintains a safe environment for all community members. This policy is meant to work in harmony with other applicable HTC policies and procedures that address sexual and discriminatory misconduct when relevant. In the event that conduct falls within the scope of the Title IX Grievance Policy, under the Education Amendments of 1972, then Touro's Title IX Grievance policy will serve as the operating process for addressing the violation.

## **15.0 PURPOSE**

All divisions of HTC 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, including sexual assault (i.e. rape, fondling, incest or statutory rape), domestic violence, dating violence, and stalking, is anathema to HTC's mission, history, and identity. HTC will resolve any identified discrimination, harassment or sexual assault in a timely and effective manner. Compliance with HTC's policies and procedures is a necessary step in achieving a safe environment in our educational community. The policies set forth were developed to promote a safe educational environment in compliance with Title IX and Title VII of the Civil Rights Act of 1964, the Violence Against Women Act (VAWA), Illinois Law including the Illinois Preventing Sexual Violence in Higher Education Act, and a high-quality campus life. Those believing that they have been harassed or discriminated against on the basis of their sex, including sexual harassment, should immediately contact the Office of Institutional Compliance. When HTC has notice of the occurrence, HTC is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate,

remedy its effects.

## **16.0 SCOPE**

This policy applies to all members of HTC, including students, faculty, and administrators as well as third-parties (including, but not limited to, vendors, invitees, etc.). This policy applies to events that occur on-campus, off-campus, and on study abroad. Information and/or training regarding this policy are available to students, faculty, and staff. In addition, information about this policy will be available on HTC's website.

## **17.0 DEFINITIONS**

- **Accused**
  - Accused means a person accused of a violation who has not yet entered an institution's judicial or conduct process.
- **Advisor**
  - Any individual who provides the accuser or accused support, guidance, or advice.
- **Awareness Programs**
  - Awareness program means community-wide or audience- specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
- **Code of Conduct**
  - Code of conduct means the written policies adopted by an institution governing student behavior, rights and responsibilities while such student is matriculated in the institution
- **Confidentiality**
  - Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681 (a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.
- **Institution**
  - Institution means any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in Illinois.
- **Ongoing Prevention and Awareness Campaigns**
  - Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audience throughout the institution and including information on definitions of different crimes, options for bystander intervention, and risk reduction.
- **Primary Prevention Programs**
  - Primary prevention programs means programming, initiatives, and

strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

- **Risk Reduction**

- Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- **Consent** (with regards to sexual activity)

- Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity.
- Communicated through mutually understandable words or actions that clearly indicate willingness by all the involved parties to engage in the same sexual activity, at the same time, and in the same way.
- Silence and lack of resistance do not constitute consent.

- **Dating Violence**

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of a social relationship is based on the “reporting party’s statement” with consideration of
  - the length of the relationship,
  - the type of relationship, and
  - the frequency of the interaction between the persons involved.
- Dating violence does not include acts covered by the definition of domestic violence.

- **Domestic Violence**

- Domestic violence is a felony or misdemeanor crime of violence committed by any of the following individuals:
  - A current or former spouse or intimate partner of the victim; or
  - A person with whom the victim shares a child in common; or
  - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
  - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA]; or
  - Any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- **Proceeding**

- All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings.
- Does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

- **Result**

- Any initial, interim, and final decision by any official or entity authorized to

resolve disciplinary matters within the institution.

- The result must include any sanctions imposed by the institution and the rationale for the result and the sanctions.
- **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 is unwelcome conduct of a sexual nature and can include sexual advances, request for sexual favors, and other verbal, non-verbal, or physical conduct. Environmental harassment (sometimes referred to as hostile environment) is sexually harassing conduct that is sufficiently severe, persistent or pervasive to limit an individual's ability to participate in or receive benefits, services, or opportunities at HTC. This can include persistent comments or jokes about an individual's, sex; verbal behavior, including insults, remarks, epithets, or derogatory statements; nonverbal behavior, including graffiti, inappropriate physical advances short of physical violence such as repeated and unwanted touching; and assault, including physical violence or the threat of physical violence.
- **Sexual Harassment**
  - Unwelcome sexual advances, requests for sexual favors, and, other visual, verbal or physical conduct of a sexual nature, when:
  - An individual's submission to or rejection of the conduct is made, either explicitly or implicitly, a term or condition of employment or of status in a course, program, or activity, or is used as a basis for employment or academic decision; or
  - The conduct has the purpose or effect of unreasonably interfering with an individual's work performance, academic performance, or educational experience, or of creating an intimidating, hostile, humiliating, or offensive working, educational, or living environment.
- **Sexual Offense**
  - Unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature constituting sexual harassment.
- **Sexual Assault**
  - Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent, and including rape, fondling, incest or statutory rape as acted in the FBI's Uniform Crime Reporting program.
  - **Rape**
    - Is the perpetuation of an act of sexual intercourse with a person against his or her will and consent, or when such person is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity.
    - Is the penetration 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 a person, or when such person is incapable of giving consent.
  - Acquaintance rape is rape that involves people who know or are familiar with each other.
- **Stalking**
  - Engaging in a course of conduct directed at a specific person that would

cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

- A course of conduct is two or more acts, including, but limited to:
  - Acts in which the 'stalker' directly, indirectly, or through third parties by any action, method, device, or means,
  - Follows, monitors, observes, surveils, threatens, or communication to or about, a person or interferes with a person's property.
- Substantial emotional distress is a significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.
- A reasonable person is one under similar circumstances and with similar identities to the victim.
- **Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**
- Domestic Violence
  - Under Illinois Domestic Violence Act, any individual who threatens, harasses, hits, chokes, kicks, or, in any other way, interferes with the personal liberty interests of another family or household member has violated such law. Illinois defines "family or household members" as any: (a) family members related by blood, or persons who (b) were previously married or are currently married, (c) previously shared or currently share a dwelling, (d) have or claim to have a child together, (e) share a child in common, (f) previously were or currently are dating, or (g) are disabled and their caregivers.
  - Please see the meaning of the pertinent definitional terms under section 103 of the Act below:
    - "*Domestic violence*" – means *abuse* as defined under the Act.
    - "*Abuse*" – means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.
      - "Physical abuse" includes sexual abuse and means any of the following:
        - knowing or reckless use of physical force, confinement or restraint;
        - knowing, repeated and unnecessary sleep deprivation; or
        - knowing or reckless conduct which creates an immediate risk of physical harm.
      - "Harassment" – means knowing conduct which is not necessary to accomplish a
        - purpose that is reasonable under the circumstances; would cause a reasonable
        - person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:
          - creating a disturbance at petitioner's place of employment or school;
          - repeatedly telephoning petitioner's place of employment, home or
          - residence;
          - repeatedly following petitioner about in a public place or places;



- repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
  - improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or
  - threatening physical force, confinement or restraint on one or more occasions
- “Intimidation of a dependent” – means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.
- “Interference with personal liberty” – means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.
- Dating Violence
  - Illinois’ Domestic Violence Act encompasses dating violence. A “dating relationship,” for purposes of the Act are included within the meaning of “family or household members,” and refers to a serious courtship.
  - Pursuant to Illinois’ Campus Security Enhancement Act, education institutions of higher learning located within the state are required to either participate in a regional task force or establish their own task force, the primary purpose of which is to prevent domestic violence, dating violence, sexual assault and stalking on campus. Under this Act, “sexual violence” is defined as physical sexual acts attempted or perpetrated against a person’s will or when a person is incapable of giving consent, including, without limitation, rape, sexual assault, sexual battery, sexual abuse and sexual coercion.
- Sexual Assault
  - Under Article 11 of Illinois’ Criminal Code, “criminal sexual assault” is a criminal offense that is defined as:
    - a person commits criminal sexual assault if that person commits an act of sexual penetration and either:
      - uses force or threat of force;
      - knows that the victim is unable to understand the nature of the act or is unable to give knowing consent;
      - is a family member of the victim, and the victim is under 18 years of age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

- Under the Criminal Code, “aggravated criminal sexual assault” is a criminal offense, defined as:
  - A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:
    - the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
    - the person causes bodily harm to the victim, except as provided in paragraph 10;
    - the person acts in a manner that threatens or endangers the life of the victim or any other person;
    - the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;
    - the victim is 60 years of age or older;
    - the victim is a person with a physical disability;
    - the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;
    - the person is armed with a firearm;
    - the person personally discharges a firearm during the commission of the offense; or
    - the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.
  - A person commits aggravated criminal sexual assault if that person is under 17 years of age and:
    - commits an act of sexual penetration with a victim who is under 9 years of age; or
    - commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.
  - A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.
- Under the Criminal Code, “criminal sexual abuse” is a criminal offense, defined as:
  - A person commits criminal sexual abuse if that person:
    - commits an act of sexual conduct by the use of force or threat of force; or
    - commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.

- A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.
- A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.
- Under the Criminal Code, “aggravated criminal sexual abuse” is a criminal offense, defined as:
  - A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist (i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense:
    - the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
    - the person causes bodily harm to the victim;
    - the victim is 60 years of age or older;
    - the victim is a person with a physical disability;
    - the person acts in a manner that threatens or endangers the life of the victim or any other person;
    - the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or
    - the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception.
  - A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member.
  - A person commits aggravated criminal sexual abuse if:
    - that person is 17 years of age or over and:
      - commits an act of sexual conduct with a victim who is under 13 years of age; or
      - commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or
    - that person is under 17 years of age and:
      - commits an act of sexual conduct with a victim who is under 9 years of age; or
      - commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act.
  - A person commits aggravated criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim.

- A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability.
    - A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is at least 13 years of age but under 18 years of age and the person is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim.
  - For purposes of Article 11, “sexual conduct” means any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused. In the context of Article 11, “sexual penetration” means any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.
- Stalking
  - Under Article 12 of Illinois’ Criminal Code, “aggravated stalking” is a criminal offense in which:
    - A person commits stalking and:
      - causes bodily harm to the victim;
      - confines or restrains the victim; or
      - violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986.
  - (a-1) A person commits aggravated stalking when he or she is required to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to register under the Sex Offender Registration Act or a family member of the victim.
- **Definitions under the Illinois Preventing Sexual Violence in Higher Education Act (110 ILCS 155)**
  - “Awareness programming” means institutional action designed to communicate the prevalence of sexual violence, including without limitation training, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions.
  - “Bystander intervention” includes without limitation the act of challenging the social norms that support, condone, or permit sexual violence.
  - “Complainant” means a student who files a complaint alleging violation of the comprehensive policy through the higher education institution’s complaint resolution procedure.

- "Comprehensive policy" means a policy created and implemented by a higher education institution to address student allegations of sexual violence, domestic violence, dating violence, and stalking.
- "Confidential advisor" means a person who is employed or contracted by a higher education institution to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities described in Section 20 of this Act.
- "Consent"
  - (i) consent is a freely given agreement to sexual activity,
  - (ii) a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent,
  - (iii) a person's manner of dress does not constitute consent,
  - (iv) a person's consent to past sexual activity does not constitute consent to future sexual activity,
  - (v) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another,
  - (vi) a person can withdraw consent at any time, and
  - (vii) 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:
    - (A) the person is incapacitated due to the use or influence of alcohol or drugs;
    - (B) the person is asleep or unconscious;
    - (C) the person is under age; or
    - (D) the person is incapacitated due to a mental disability.
- "Higher education institution" means a public university, a public community college, or an independent, not-for-profit or for-profit higher education institution located in this State.
- "Primary prevention programming" means institutional action and strategies intended to prevent sexual violence before it occurs by means of changing social norms and other approaches, including without limitation training, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions.
- "Respondent" means a student involved in the complaint resolution procedure who has been accused of violating a higher education institution's comprehensive policy.
- "Sexual violence" means physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.
- "Survivor" means a student who has experienced sexual violence, domestic violence, dating violence, or stalking while enrolled at a higher education institution.
- "Survivor-centered" means a systematic focus on the needs and concerns of a survivor of sexual violence, domestic violence, dating violence, or stalking that (i) ensures the compassionate and sensitive delivery of services in a nonjudgmental manner; (ii) ensures an understanding of how trauma affects survivor behavior; (iii) maintains survivor safety, privacy, and, if possible, confidentiality; and (iv) recognizes that a survivor is not

responsible for the sexual violence, domestic violence, dating violence, or stalking.

- *"Trauma-informed response"* means a response involving an understanding of the complexities of sexual violence, domestic violence, dating violence, or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding sexual violence, domestic violence, dating violence, or stalking, and understanding the behavior of perpetrators.
- **Preponderance of the Evidence**
  - Just enough evidence to make it more likely than not that the fact the claimant seeks to prove is true.
- **Retaliation**
  - Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has:
    - complained about alleged discrimination or harassment as defined above,
    - participated as a party or witness in an investigation relating to such allegations, or
    - 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. HTC does not allow, nor tolerate any conduct by any HTC 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.
- **Unlawful employment practices under Title VII:** It shall be an unlawful employment practice for an employer--
  - to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions, or privileges of employment, because of such individual's sex; or
  - to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee, because of such individual's sex.
  - to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer, indicating any preference, limitation, specification, or discrimination, based on sex, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on sex when sex is a bona fide occupational qualification for employment.
  - to willfully not post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the EEOC setting forth excerpts from or, summaries of, the pertinent

provisions of Title VII and information pertinent to the filing of a complaint.

## 18.0 PROCEDURES

### Duty to Report Violations

All members of the HTC community are required to cooperate fully with any investigations 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 HTC policy and/ or insubordination.

Likewise, all HTC employees are required to ensure that complaints about discrimination, harassment, or retaliation are directed to the appropriate administrative office for evaluation and investigation. HTC is committed to conducting an inquiry that is thorough, prompt and impartial.

### Formal Investigation and Resolution of Discrimination, Harassment, Sexual Assault or Retaliation Complaints

#### Duty to Cooperate and Facilitate

All members of HTC are required to cooperate fully with any investigations of 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 HTC Code of Conduct and/or insubordination. Likewise, all HTC employees are required to ensure that complaints about harassment are directed to the appropriate administrative office for evaluation and investigation.

#### Right to Prompt and Impartial Proceeding and Complaint Process

HTC is committed to conducting an inquiry that is thorough, prompt and impartial. Accused and accuser will have the opportunity to object to HTC participants as impartial.

Victims have the options to notify proper law enforcement authorities, including on-campus and local police, or to decline to notify such authorities. Complaints concerning sexual harassment and/or sexual discrimination should be sent to Mrs. Rita Lipshitz, Office of Institutional Compliance, 2606 W. Touhy Avenue, Chicago, Illinois 60645, (773) 973-0241, Email: [lipshitz@htc.edu](mailto:lipshitz@htc.edu)

A written or verbal complaint, which should 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. A complaint should include the following information:

- Complaint's full name, home address, email, telephone number, and HTC Student/Employee ID number
- Name of the person against whom the complaint was made, including job title or student status, if known.
- The protected status that is the basis for the alleged discrimination, harassment,

or retaliation based on the complainant's gender.

- A clear statement of the facts that constitute the alleged discrimination, harassment, or retaliation, including dates on which the acts were committed and any information to identify witnesses.
- Complainant should include the term and year of his/her most recent active employment, academic, or student status within the university.
- A student who is seeking admission to Touro should include the term and year in which he/she sought admission to the university.
- The full name, address, and telephone number of complainant's advisor or supervisor, if any.
- The specific harm that resulted from the alleged act and the remedy sought.
- The complainant's signature and the date on which the complaint was submitted.

The accused will receive notice of the complaint, along with references to the specific code provision violated and, if possible, the date, time and location of the incident, and notification of possible sanctions, although the accused will be considered innocent until proven guilty of a violation. 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 HTC'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. The process allows for extension with good cause shown. The burden to develop facts surrounding the investigation and/or prove that an incident lacked consent is on the institution, not the reporting individual. A reporting individual may withdraw a complaint or report from the institution at any time. Such individual will not be penalized for withdrawing such complaint. Please note that the institution may, consistent with other provisions of this law as well as federal law, still have obligations to investigate and/or take actions even if the complaint has been withdrawn.

#### Availability of Counseling

HTC will offer its internal counseling services to any complainant who has begun the complaint process. It is ultimately the complainant's decision of whether or not to accept the counseling service offered by HTC.

#### Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, HTC will provide written notification to the students and employees involved about accommodations available to them, including academic, living, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).



At the victim's request, and to the extent of the victim's cooperation and consent, HTC's offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

Certain remedial measures may be taken to protect both parties during the pendency of the investigation, including changes to academic, living, transportation, and working situations or other protective measures. HTC may make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Office of Institutional Compliance, at [Compliance@touro.edu](mailto:Compliance@touro.edu) or Mrs. Rita Lipshitz at (773) 973-0241. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact the Office of Institutional Compliance at [Compliance@touro.edu](mailto:Compliance@touro.edu) or Mrs. Rita Lipshitz at (773) 973-0241.

#### Notice and Timely Access and Preservation of Evidence

The proceeding will be consistent with HTC's policies and transparent to both the accuser and the accused. Both accuser and accused will receive timely notice of meetings at which either accuser, accused, or others (upon request) may be present. Both accuser and accused will receive timely and equal access to information that will be used during formal and informal disciplinary meetings or hearings. HTC will endeavor to protect the privacy of the participating parties and/or witnesses.

It is very important that the victim preserve any proof or evidence of any criminal offense. Such incidents will be reviewed and investigated in an expedient and professional manner.

#### Intake Interview

After receipt of a complaint, the Office of Institutional Compliance or their 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 Office of Institutional Compliance or their or his/her designee will inform the complainant about the investigation procedure and timeline. The complainant will have an opportunity to provide or present evidence and witnesses on their behalf. 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

HTC's disciplinary process includes a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result. Upon receipt of a complaint, the Office of Institutional Compliance or his/her designee shall investigate the circumstances of the complaint. 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. HTC will use the preponderance of the evidence standard in the investigation and disciplinary action, as VAWA requires.

#### Investigation of Complaints

The Office of Institutional Compliance or their designee shall have thirty (30) days from the intake interview to complete the investigation of the event in question. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. HTC officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. 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;
- Reluctance of a witness and/or any necessary party;
- Delay or other uncooperative actions of any necessary party;
- Numerosity of witnesses;
- Holidays and vacation periods;
- Any other unforeseeable events/circumstances.

Both the complainant and respondent will have the same opportunities to have others present during any disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. HTC will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding, but HTC may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

During any such investigation, the complainant and the accused will each reserve the right to exclude their own prior sexual history with any persons other than the party involved in the hearing during the judicial or conduct investigation process. Both will also reserve the right to exclude any mental health diagnosis and treatment during the institutional disciplinary stage which determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage that determines sanction.

Generally speaking an investigation will take approximately 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 institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.

#### Notice of Determination and Further Action

The Office of Institutional Compliance or their designee 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. Both parties will be informed of the outcome reached and sanctions imposed as a result of such investigation and determination.

Both the complainant, the party who filed the complaint or the alleged target of the sexual harassment or sexual assault, and the respondent, the accused, shall be informed of the fact finder's decision, including the outcome reached and sanctions imposed, in writing simultaneously within seven days of the conclusion of the fact finder's deliberation. They will both be notified simultaneously and in writing of the outcome of the proceeding; appeal procedures; any change to the result before it becomes final (if applicable); and when the result becomes final. Questions concerning these actions should be addressed to the Office of Institutional Compliance at [Compliance@touro.edu](mailto:Compliance@touro.edu) or Mrs. Rita Lipshitz. Notification to the appropriate law enforcement officials and other assistance to the student or staff member in notifying law enforcement officials will be provided, if requested.

HTC will provide the victim a written explanation of her/his rights and options with respect to the report when the victim reports to HTC about the misconduct.

#### Notification to Victims of Crimes of Violence

HTC will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

#### Appeals

The complainant and respondent alike will be provided with at least one level of appeals.

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 Office of Institutional Compliance 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 HTC 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 Office of Institutional Compliance. The Appeals Panel can determine whether a change in the decision is warranted. If applicable, both the accuser and accused will have an opportunity to be present or have others present during any disciplinary proceedings. If a change in this decision is necessary, the Appeals Panel will review the appeal and rationale and make a final decision. Both parties will be informed of the outcome reached and sanctions imposed as a result of such proceedings.

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.

HTC has a grade appeal process, which is not circumvented by this policy. This procedure is not a substitute for a grade appeal. A grade appeal may be suspended until a determination has been made by the fact finder.

HTC will provide the victim a written explanation of her/his rights and options with respect to the report when the victim reports to HTC about the misconduct.

## **19.0 SANCTIONS FOR VIOLATIONS**

Student violators may be subject to the following sanctions and remedial measures on a case-by-case basis:

- **Warning:** A written reprimand putting the student on notice that he/she has violated the Code of Conduct. A copy of this warning is placed in the student's folder.
- **No-Contact Order:** A student may be ordered to temporarily not intentionally contact a victim through any medium.
- **Probation:** A student may be placed on disciplinary probation for a definite period of time. While on probation, students may not hold office in Student Government Organizations, Clubs or Societies or represent the college in any capacity. Further violations while on probationary status will result in suspension or expulsion from the college.
- **Restitution:** A student may be required to pay restitution to the college or to fellow students for damages and losses resulting from his/her actions.
- **Suspension:** At any time during a student's enrollment at the college he/she may be suspended and barred from attending classes for a definite period, not

to exceed two years. A student who is suspended is entitled to a written clarification with specific reasons for and description of the sanction. A student may not be automatically re-enrolled at the end of his/her suspension. He/she must apply to the Student Affairs Committee for re-enrollment.

- **Expulsion:** HTC may terminate a student's status at the college at any time.

Faculty and staff (part-time and full-time) who violate the policy will be subject to disciplinary sanctions on a case-by-case basis as follows:

- **Censure:** A written reprimand, outlining the violation(s) of college policies, may be placed in the personnel file of individual violators.
- **Probation:** Faculty and/or staff may be placed on probation for a definite period of time up to a maximum of one year. In such instances, individuals may be required to enroll in a therapeutic counseling or treatment program.
- **Suspension:** Faculty and/or staff may be suspended from employment without pay for a period of time ranging from seven days to a maximum of one year.
- **Termination of Employment:** Faculty and/or staff may be dismissed from employment upon written notice by the Dean of Faculties (for faculty members) or the Vice President for Administration (all other employees).
- **Legal Action:** Faculty and/or staff may be turned over to law enforcement authorities for criminal prosecution and legal action.

In both cases for students, faculty and staff, the existence of a progressive system of disciplinary sanctions measures does not preclude HTC from levying a heavy sanction, without first resorting to a lesser sanction. By way of illustration and not exclusion, HTC may expel a student or terminate a staff member for a violation of policy without first issuing a warning or putting that student or employee on probation.

### ***College-Initiated Protective Measures***

In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible.

When the accused or respondent is a student, to have the institution issue a “no contact order” consistent with institution policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of institution policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request and consistent with institution policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. Institutions may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual.

Other examples of interim protective measures include, but are not limited to: a College

order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Touro College. Violations of the Compliance Officer's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action including interim suspension pending the outcome of a judicial or conduct process consistent with Touro policy. Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of the request.

Every institution shall ensure that individuals are provided the following protections and accommodations:

- To receive a copy of the order of protection or equivalent when received by an institution and have an opportunity to meet or speak with an institution representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person or persons;
- When the accused is not a student but is a member of the institution's community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of the institution.

## **20.0 CONFIDENTIALITY**

HTC 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, sexual assault (i.e. rape, fondling, incest or statutory rape) or retaliation received either through HTC's compliance hotline or otherwise. The phone number for the HTC hotline is 1-88-Touro-911 (1-888-621-6911).

HTC 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 HTC to promptly and thoroughly investigate and resolve the matter. HTC employees will explain to the reporting individual whether he or she is authorized to offer the reporting individual privacy.

Reporting individuals may request confidentiality and choose not to consent to an investigation by HTC, and the Title IX Coordinator must weigh the request against the institution's obligation to provide a safe, non-discriminatory environment for all members of its community. If HTC determines that an investigation is required, it must notify the reporting individuals and take immediate action as necessary to protect and assist them. HTC should seek consent from reporting individuals prior to investigating,

and declining consent will be honored unless HTC determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to members of the community. If an individual discloses information through a public awareness event, HTC is not obligated to begin an investigation based on such information.

Declining to consent to an investigation shall be honored unless the institution determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. Honoring such a request may limit the institution's ability to meaningfully investigate and pursue conduct action against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- Whether the institution possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group

HTC will complete publicly available record-keeping for purpose of Clery Act reporting and disclosure. These reports will not include identifying information about the victim or accused and shall maintain confidentiality of any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of Touro to provide the accommodations or protective measures.

By only sharing personally identifiable information with individuals on a need-to-know basis, without the inclusion of identifying information about the victim, the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of HTC to provide the accommodations or protective measures.

## **21.0 RETALIATION**

Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has:

- Complained about alleged discrimination, harassment or sexual assault as defined above,
- Participated as a party or witness in an investigation relating to such allegations, or
- 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.

HTC does not allow, nor tolerate any conduct by any HTC member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint, will not be tolerated.

Upon the first instance of disclosure by a reporting individual to a HTC representative, the individual will be informed:

“You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting that incident; and to receive assistance and resources from your institution.”

Reporting individuals or bystanders who report an incident of sexual assault in good faith will receive amnesty for drug and alcohol use.

Employees, faculty and students who violate HTC’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.

## **22.0 ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, HTC will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the survivor's right to report or not report the alleged incident to the higher education institution, law enforcement, or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- the contact information for the higher education institution's Office of Institutional Compliance coordinator or coordinators, confidential advisors, a community-based sexual assault crisis center, campus law enforcement, and local law enforcement;
- the survivor's right to request and receive assistance from campus authorities in notifying law enforcement;
- the survivor's ability to request interim protective measures and accommodations for survivors, including without limitation changes to academic, living, dining, working, and transportation situations, obtaining and enforcing a campus-issued order of protection or no contact order, if such protective measures and accommodations are reasonably available, and an order of protection or no contact order in State court;
- the higher education institution's ability to provide assistance, upon the survivor's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services; and
- a summary of the higher education institution's complaint resolution procedures.



- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- an explanation of the procedures for institutional disciplinary action

***Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution***

HTC complies with Illinois law in recognizing orders of protection. Any person who obtains an order of protection from Illinois or any reciprocal state should provide a copy to the Office of Institutional Compliance. A complainant may then meet with Campus Security to develop a Safety Action Plan, which is a plan for administration and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) HTC cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). However, the individual may receive assistance from police or campus security, or have them call the appropriate agency in order to effect an arrest when an individual violates an order of protection.

HTC may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If HTC receives a report that such an institutional no contact order has been violated, HTC will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order. It is very important that the victim preserve any proof or evidence of the criminal offense. Such incidents will be reviewed and investigated in an expedient and professional manner. The employee or student can also file a grievance as per Touro's grievance policy described in the Administrative Handbook. The federal laws require that both accuser and accused have the opportunity to object to HTC Participants as impartial.

Every institution shall ensure that every student be afforded the following rights:

- Throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's code of conduct, the right:
  - To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made pursuant to the provisions of this article and the institution's policies and procedures, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault.

- To make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- To simultaneous (among the parties) written or electronic notification of the outcome of a judicial or conduct process, including the sanction or sanctions.

***Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported***

HTC has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. HTC will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Office of Institutional Compliance or local law enforcement. Students and employees should contact However, the individual may receive assistance from police or campus security, or have them call the appropriate agency in order to effect an arrest when an individual violates an order of protection. at (773) 973-0241.

Pursuant to the Illinois Preventing Sexual Violence in Higher Education law, HTC will provide a confidential advisor to survivors to help them understand their options and seek medical, legal and other services. The individual designated for this position will not be a “responsible employee” as defined by Title IX of the Education Amendments of 1972. All confidential advisors shall receive 40 hours of training on sexual violence, if they have not already completed this 40-hour training, before being designated a confidential advisor and shall attend a minimum of 6 hours of ongoing education training annually on issues related to sexual violence to remain a confidential advisor. Confidential advisors shall also receive periodic training on the campus administrative processes, interim protective measures and accommodations, and complaint resolution procedures.

Communications between a confidential advisor and a survivor shall consist of:

- Informing 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 the higher education institution's comprehensive policy and notifying local law enforcement.
- Notifying 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.

- Informing the survivor of the survivor's rights and the higher education institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by the higher education institution or a criminal or civil court.
- Providing confidential services to and have privileged, confidential communications with survivors of sexual violence in accordance with Section 8-804 of the Code of Civil Procedure.
- Liaising 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 (upon the survivor's request and as appropriate).
- Liaising with the necessary campus authorities to secure interim protective measures and accommodations for the survivor (upon the survivor's request).

If a report of domestic violence, dating violence, sexual assault or stalking is reported to HTC, HTC will follow the procedures above.

## **23.0 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.

### **Off Campus**

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

Chicago Metro Rape Crisis Hotline (YWCA)

Evanston 1215 Church St, Evanston

(847) 864-8445

[www.ywca.org/evanston](http://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>

National

- [www.womenslaw.org](http://www.womenslaw.org)
  - (707) 784-6844
- [www.rainn.org](http://www.rainn.org)
  - (800) 656-HOPE (4673)

Israel

- [www.1202.org.il/English/](http://www.1202.org.il/English/)
- +972-2- 623 2451

**EMERGENCY ACTIONS IN RESPONSE TO VIOLENCE**

Individuals who have experienced an act of violence, such as domestic violence, dating violence, sexual assault and/or stalking requiring immediate emergency assistance are advised to take the following actions:

- Get to a place of safety. Dial 911 for local Police or Dorm Supervisor (Skokie Campus)/ Eim Bayit (Chicago Campus) immediately if at continued risk.
- Seek any necessary medical attention as soon as possible.

Nearby hospitals include:

Evanston Hospital  
2650 Ridge Avenue  
Evanston, IL 60201  
(847) 570-2000

Presence Saint Francis Hospital  
355 Ridge Avenue  
Evanston, IL 60202  
(847) 316-4000

Skokie Hospital  
9600 Gross Point Road  
Skokie, IL 60076  
(847) 677-9600

Swedish Covenant Hospital  
5145 N California Ave  
Chicago, IL 60625  
(773) 878-8200

Going to an Illinois hospital for medical care after an incident of sexual violence does not obligate an individual to file a report with the College or the police.

## **24.0 EXTERNAL REPORTING**

HTC will conduct a campus climate assessment every other year to ascertain general awareness and knowledge of the provisions of this policy, including student experience with and knowledge of reporting and college adjudicatory processes, which shall be developed using standard and commonly recognized research methods. The aggregate results of these campus climate assessments shall be posted on HTC's website with no identifying information about respondents.

Members of HTC 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.

It is the rights of victims and the responsibilities of all members of the community to comply with protective orders issued by a criminal, civil or tribal court or by HTC.

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:

U.S. Department of Education  
Office for Civil Rights  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37<sup>th</sup> Floor  
Chicago, IL 60604  
Phone 312-730-1560  
Fax 312-730-1576  
Email: OCR.Chicago@ed.gov

## **25.0 POLICY ON MONITORING CRIMINAL ACTIVITY**

HTC monitors and records criminal activity by students at non-campus locations of student organizations officially recognized by HTC, including student organizations with non-campus housing facilities through local police agencies.

## **26.0 PROGRAMS**

All new students, including transfers, will attend a program about the provision of this policy and how to protect themselves against sexual assault. On at least an annual basis, Dean or his/her delegate at each of HTC's sites will provide a formal educational program to increase awareness of sexual offenses, including rape, acquaintance rape, dating violence, domestic violence, sexual assault, stalking and other forcible and non-forcible sexual offenses.

HTC engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The programs will include discussion of what constitutes these offenses, penalties for these offenses, definition of consent, prevention and awareness programs and ongoing prevention and awareness campaigns' risk reduction for students and faculty, safe and positive options for bystander intervention and security measures to protect against the occurrence of these offenses. HTC will advertise the date, time and content of these educational programs on posters displayed in those areas regularly used by students and employees of HTC.

## **27.0 RESOURCES FOR SEXUAL HARASSMENT VICTIMS**

HTC will provide resources for sexual harassment victims, regardless of whether the victims choose to report the crime to campus police or local law enforcement. HTC will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations. These resources include but are not limited to:

- Crisis Intervention Counseling
  - In-person or telephone services which support clients and their families in their effort to cope with the trauma of victimization and provide assistance in the recovery process.
- Emergency Assistance
  - Counselors will work with clients to determine and meet immediate needs for mental health counseling, medical care, etc.
- Accompaniment
  - Security is available to provide support and escort around campus, and in certain instances to assist the individual in getting home.
- Others
  - Victims will have access to a sexual assault forensic examination with a nurse.
  - Available community resources will be provided based on client's individual needs.

## **28.0 REGISTERED SEXUAL OFFENDERS**

HTC makes available to the public over the Internet information about certain sex offenders required to register under Megan's Law.

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. The Illinois sex offender registry can be found at the following address:  
<https://www.isp.state.il.us/sor/> (Illinois)

Israel does not have a sex offender registry accessible to the public. There are specific vocational restrictions for sex offenders.

## **29.0 IMPLEMENTATION**

This policy shall be implemented by the Office of the Chief Academic Officer.

## **30.0 SOURCE DOCUMENTS**

- 34 CFR 106.8 and 106.9
- Revised Sexual Harassment Guidance: Harassment of Students By School Employees, Other Students, or Third Parties, dated January 19, 2001
- “Dear Colleague Letter” from the Assistant Secretary, U.S. Department of Education, Office of Civil Rights, dated April 4, 2011.
- “Dear Colleague Letter” from the Assistant Secretary, U.S. Department of Education, Office of Civil Rights, dated July 14, 2014.

## **31.0 APPROVAL**

This policy has been approved by the Office of the Chief Academic Officer and the Office of Institutional Compliance.

### **Complaint Form**

If you wish to file a complaint, please use the Title IX and Sexual Misconduct Policy Complaint Form located on the TouroOne Portal and using this [link](#).



***TOURO COLLEGE & UNIVERSITY SYSTEM***

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*Office of Institutional Compliance*

## TITLE IX AND SEXUAL MISCONDUCT COMPLAINT FORM

In order to address concerns of sexual harassment or sexual misconduct concerning Touro's purview under the institution's Title IX and Sexual Misconduct Policy, complainants must complete this form and provide necessary information where known. Upon review of the information, the Office of Institutional Compliance will determine what response, if any, can be performed and the appropriate path toward addressing the information provided in the complaint.

Should it be determined that the information contained herein falls under the criteria for the Title IX grievance process, this form will be used as a Formal Complaint as defined by the Title IX regulations and Touro policy. A formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the educational institution investigate the allegation of Sexual Harassment.

This form may be submitted via email, online or in-person to the Office of Institutional Compliance. Upon receipt, a representative from the Office of Institutional Compliance will contact and schedule an in-take interview with the complainant. In addition, a complainant may complete this form in-person, if desired. Once this form has been completed and signed by the complainant, and then signed by a designated representative of the Office of Institutional Compliance, it becomes a formal complaint recognized by Touro.

The information provided on this form will be kept confidential to the extent necessary and possible under applicable institutional and federal regulations. Further, Touro implements a strict retaliation policy that prohibits retaliation of any kind against those coming forward with a complaint of alleged sexual harassment or sexual misconduct. For additional and detailed information on Touro's policies on confidentiality and retaliation, please see the Title IX and Sexual Misconduct Policy that is available on the TouroOne Portal and the website.

Once completed, please submit to: [Compliance@touro.edu](mailto:Compliance@touro.edu)

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**Name of the Person Filing a Complaint (Complainant):** \_\_\_\_\_

**School ID Number:** \_\_\_\_\_

**Affiliation with Touro /Division\*:**

☐ Student ☐ Faculty ☐ Staff ☐ Contractor ☐ Other: \_\_\_\_\_

**Division/School of Touro:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Date of Occurrence/Incident\*:** \_\_\_\_\_

**Location of Occurrence/Incident\*:** \_\_\_\_\_

**Country\*:** ☐ USA ☐ Other



**Description of Complaint / Alleged Sexual Harassment or Sexual Misconduct\*:**

(please summarize in the space provided and attach additional pages, if needed)

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**Name of Person or Persons Who Committed the Offense Against You (if known)\*:**

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**Names and Contact Information of any Witnesses:**

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**Complainant Signature and Date:**

Name:

Date

Once completed, please submit to: [Compliance@touro.edu](mailto:Compliance@touro.edu)

*See Next Page for Office of Institutional Compliance the Internal Use Only Form*

**For the Internal Use of the Office of Institutional Compliance Only**

Does the alleged misconduct meet the definition of Sexual Harassment as provided under Title IX?  
YES / NO

Did the alleged misconduct occur in the United States?  
YES / NO

Did the alleged misconduct occur within an employment or education program where Touro exhibits substantial control?



## **Appendix C**

### **Biennial Report**

#### **Biennial Review of Hebrew Theological College's Alcohol and Drug Programs**

**2020-2021**

#### **OVERVIEW**

The Drug Free Schools and Communities Act requires, as a condition of receiving any federal funding or other financial assistance, that an institution of higher education certify it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol for students and employees on school premises and as a part of its activities. Hebrew Theological College ("HTC" or "College") is in compliance with the Drug Free Schools and Communities Act and continues to conduct a biennial review on the effectiveness of its alcohol and other drug programs and services.

HTC provides comprehensive alcohol and other drug prevention initiatives, programs and services that focus on policy, environmental management, education, intervention, prevention, research and assessment. In addition, in accordance with federal law, the Office of Campus Security and the Office of Institutional Compliance annually provide every employee and student with an "Annual Crime Statistics and Fire Safety Report" email notification that includes the following (as required by 34 CFR 86.100):

- Standards of conduct that prohibit the unlawful possession, use or distribution of illicit drugs and alcohol on school property or part of school activities.
- A description of the applicable legal sanctions under federal, state or local law for the unlawful possession or distribution of illicit drugs and alcohol.
- A description of the health risks associated with the use of illicit drugs and abuse of alcohol.
- A description of counseling and treatment programs available to students and staff.
- A clear statement and description of the disciplinary sanctions Touro will impose on students and employees.

This Annual Crime Statistics and Fire Safety Report is available year-round to students, staff and employees at the following [link](#).

It is the goal of HTC to produce a Biennial Review that would be used to document the progress made by Touro and also provide insight into how HTC's Alcohol and Drug policy and programs ("ADP") could be improved. The 2020 Touro Biennial Review meets two objectives:

1. Determines the effectiveness of the ADP programs at HTC and outlines any changes that the institution has made (if necessary)
2. Analyzes the disciplinary sanctions imposed by the institution and ensures that they are consistently enforced.

A hard copy of this Biennial report is also maintained on file with Director of Campus Security that can be provided to the U.S. Department of Education, as requested

#### **POLICY**

HTC is committed to educating and informing students, faculty and staff about the dangers and effects of substance abuse. HTC recognizes that drug addiction and alcoholism are illnesses that may not be easily resolved and may require professional assistance and treatment. As such, HTC provides its ADP to all students and employees. This policy is reviewed and updated annually.

The entire ADP is included in the Annual Security and Fire Safety Report. It is available year-round to students, staff and employees at the following [link](#).

In addition to the Annual Security and Fire Safety Report notification described above, students and employees are made aware of HTC's drug and alcohol policies during New Student orientation and at residence hall meetings, as well as during other activities and events throughout the year. The student presentation, given by Dean or their delegate, includes, but is not limited to:

- Possession of alcoholic beverages, illegal narcotics or improper use of prescription drugs is strictly prohibited on Hebrew Theological College campuses, student dormitory and residences, and at any college function (on or off campus).
- Alcoholic beverages or illegal narcotics may not be sold on the campuses of Hebrew Theological College for any purpose.
- Alcoholic beverages may not be served to HTC students as part of College-sponsored events or non-official activities connected with the College - except for sacramental purposes.

The employee presentation, provided at Faculty meetings and given during the on-boarding process for other new employees, includes, but is not limited to:

- Notice that HTC is a Drug-Free and Smoke-Free workplace;
- Prohibition on the use of substances that impair a person's ability to perform his or her job responsibilities;
- Notification that the sale, manufacture, possession or use of illegal drugs on the College property and campuses is strictly prohibited

### **EDUCATION, INTERVENTION & PREVENTION**

HTC provides many different avenues for students and employees to receive education and counseling about alcohol and other drug issues. In addition to campus resources, HTC also provides students and employees with information about and referrals to the community-based agencies for support, education and/or treatment. Campus and community members also work together to implement environmental risk management strategies to reduce the harmful consequences of drug and alcohol use.

### **POLICY ENFORCEMENT**

As seen in the chart below, HTC has steadily experienced no drug or alcohol related violations over the past few years. Based on this data, HTC has determined that its current Drug and Alcohol policy and programs are inherently effective.

As HTC has not encountered any violations related to drugs or alcohol, disciplinary sanctions for violation of campus drug and alcohol policies are non-existent. That being said, HTC reviews its policies and sanctions on an annual basis to determine whether industry standards and best practices are being adhered to.

	2020		2021	
<i>On Campus</i>	Chicago Campus	Skokie Campus	Skokie Campus	Chicago Campus
<b><u>Liquor Law Violations</u></b>				
Arrests	0	0	0	0
Disciplinary Actions	0	0	0	0
<b><u>Drug-related violation</u></b>				
Arrests	0	0	0	0
Disciplinary action	0	0	0	0
<b><i>Residential Facilities</i></b>				
<b><u>Liquor Law Violations</u></b>				
Arrests	0	0	0	0
Disciplinary Actions	0	0	0	0
<b><u>Drug-related violation</u></b>				
Arrests	0	0	0	0
Disciplinary action	0	0	0	0
<b><i>Public Property</i></b>				
<b><u>Liquor Law Violations</u></b>				
Arrests	0	0	0	0
Disciplinary Actions	0	0	0	0
<b><u>Drug-related violation</u></b>				
Arrests	0	0	0	0
Disciplinary action	0	0	0	0