



## **Student Protection from Discrimination and Harassment Policy**

The Law School has been embracing diversity and equal opportunity since its founding in 1899. Our founders believed that a legal education should be available to any qualified person regardless of their economic station in life, or their “racial origin, sex, color or religious affiliation.” That tradition continues.

It is the policy of The John Marshall Law School (“JMLS” or the “Law School”) to provide an educational environment for our students free from sexual discrimination, harassment and sexual violence and from discrimination and harassment based on race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation and gender identity. This policy applies to all aspects of the educational process including academic and extracurricular activities.

### **1. Discrimination and Harassment Is Prohibited.**

The Law School does not tolerate discrimination against any student based on his or her race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation and gender identity. This policy applies to all aspects of the educational environment including admissions, educational programs and services and extracurricular activities.

Civility and professionalism are not only requirements of our profession but are critical to the success of a vibrant educational environment. The Law School will not tolerate conduct that objectively and subjectively limits or interferes with a student’s ability to participate in or benefit from the Law School’s programs because of the student’s race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation and gender identity. Harassment can consist of words or conduct. Although freedom of expression is vital to the educational process, it does not excuse harassment targeted at specific persons or groups because of characteristics not relevant to the Law School’s educational mission.

### **2. Sexual Harassment and Sexual Assault.**

An essential element of this policy is the prohibition against offensive, disrespectful, demeaning, or violent behaviors and/or communications

because of a student's gender or that is sexual in nature or context. Prohibited behaviors include, but are not limited to:

Making unwelcome sexual advances or requests for sexual favors.

Engaging in offensive or violent verbal or physical conduct of a sexual nature when the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational activity, or it creates a hostile educational environment.

Explicitly or implicitly conditioning a student's participation in an educational program or activity, or basing an educational decision on a student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Prohibited behaviors can be verbal, non-verbal, or physical. This policy applies to behavior that occurs on- or off-campus, if the behavior interferes with or limits a student's ability to participate in, or benefit from, school programs. Examples of prohibited verbal behaviors include, but are not limited to, unwelcome sexual innuendo, gender stereotyping, sexual propositions and comments, insults, threats, and jokes about gender-specific traits including through electronic media. Examples of prohibited non-verbal behaviors include, but are not limited to, unwelcome sexually suggestive or insulting noises, obscene gestures and display of sexually suggestive objects or pictures. Examples of prohibited physical behaviors include, but are not limited to, stalking, physical aggression, unwelcome touching, coercive sexual contact, intimate partner violence and sexual assault.

This policy prohibits the conduct described herein whether or not it violates Title IX of the Education Amendments of 1972.

### **3. Application to all Members of the Law School Community**

This policy prohibits all students, employees, and faculty from engaging in behaviors that violate this policy and protects all students from such behavior by other students, employees, faculty, or third persons. The Law School is committed to taking prompt and effective action when it knows or has reason to know that a violation of this policy may have occurred.

### **4. Policy Coordinator**

The Assistant Dean for Student Life and Leadership shall be responsible for the administration of this policy.

## **5. Making a Complaint**

A student, employee or faculty member may submit a complaint or report a violation of this policy by:

- 1) Calling the JMLS Harassment Prevention Hotline at 312.427.2737 x506
- 2) Contacting the Assistant Dean for Student Life and Leadership or
- 3) Contacting any dean or faculty member.

Reports of offensive behaviors inconsistent with this policy should be made promptly after the alleged policy violation occurs. The submission of an internal report does not preclude the complainant from seeking relief elsewhere.

Any faculty member, administrator and manager who knows or has reason to believe that a violation of this policy has occurred has an obligation to report the matter to the Assistant Dean for Student Life and Leadership, whether or not the victim has complained.

Once a report or complaint has been made, the individual receiving the report or complaint should advise the Assistant Dean for Student Life and Leadership. The Policy Coordinator will have responsibility for processing the report or complaint as described below.

The Law School shall inform an alleged victim of the right to file a criminal complaint or police report in cases of sexual violence. However, the Law School shall not wait for a criminal or other external investigation to conclude before taking immediate steps to protect the victim or, absent special circumstances, to conduct an investigation under this policy.

## **6. Confidentiality**

The Law School shall take reasonable measures to maintain the confidentiality of information obtained during the processing of a report or complaint and shall make disclosures only on a need to know basis. The Law School will attempt to protect the identity of the alleged victim and witnesses. However, the Law School cannot guarantee anonymity or confidentiality and may make disclosures as necessary to conduct a full and fair investigation.

## **7. Informal Processing**

The Assistant Dean for Student Life and Leadership will consult with the alleged victim to determine whether the matter initially can be handled through informal processes. The informal process may consist of mediation,

counseling or other efforts by the Law School to resolve the matter to the satisfaction of the alleged victim. In no event will a student victim be required to work out a problem directly with the alleged perpetrator without participation by a representative of the Law School. Informal processing shall never be appropriate in cases involving allegations of sexual violence. The alleged victim should be made aware of the option to request formal processing at any time. If the matter is resolved during informal processing, a report containing the allegations and disposition shall be made and maintained by the Assistant Dean for Student Life and Leadership.

## **8. Formal Processing and Investigation**

If informal processing is not successful or appropriate, the matter will be formally processed. The Assistant Dean for Student Life and Leadership shall be responsible for the process. The Assistant Dean for Student Life and Leadership or his/her designee should interview the alleged victim and obtain as much detail as possible concerning the alleged policy violation. The alleged victim may be asked to provide a written statement but a written complaint or statement is not required to proceed.

The scope and method of the investigation will be at the discretion of the Assistant Dean for Student Life and Leadership. Either the Assistant Dean for Student Life and Leadership or his/her designee may conduct the investigation so long as the investigator is neutral and has no conflict of interest. Both the alleged victim and perpetrator will be afforded an equal opportunity to identify relevant witnesses and provide evidence to the investigator. Under no circumstances shall the alleged perpetrator be permitted to question directly the alleged victim. The investigator shall attempt to complete his/her investigation within 60 days following receipt of a report or complaint, although additional time may be required for good reason. Interested parties may be represented by counsel but counsel may not attend investigatory interviews and the parties are expected to cooperate with the investigation and speak for themselves.

The investigator will determine whether there is a preponderance of evidence to find a policy violation. If so, the investigator, in consultation with the Assistant Dean for Student Life and Leadership and other appropriate persons (e.g., any dean, security), shall make recommendations to remediate the situation including, as appropriate, the initiation of additional proceedings against a student perpetrator under the Student Code of Conduct and Student Disciplinary Proceedings or against a faculty perpetrator under the Tenure and Promotion Policy as provided herein; providing an escort for the victim; separating the victim and perpetrator; providing counseling services; providing academic support services; and allowing a student to retake a course or withdraw from a class without penalty. The investigator

shall prepare a written report of his/her findings and recommendations and shall inform the alleged victim and perpetrator in written summary form of the findings and recommendations including any remedial measures being recommended.

Either party may appeal the findings or recommendations to the Dean within seven calendar days. The Dean (or designee) may review the investigatory file, determine whether additional investigation is necessary and/or whether other or additional remedial measures are appropriate. The Dean shall complete his/her review and shall issue a final decision within 30 days.

## **9. Interim Measures**

The Law School may take whatever interim measures it deems appropriate to protect an alleged victim or witnesses as soon as a report or complaint is received. Such measures may include prohibiting the alleged perpetrator to have any contact with the victim or witnesses and/or denying on-campus access to the alleged perpetrator. The alleged victim should be informed immediately of the Law School's policy against retaliation and told that any form of retaliation should be promptly reported to the Assistant Dean for Student Life and Leadership.

## **10. Coordination with Other Policies**

Any disciplinary or other corrective action taken against a student for violation of this policy shall not be subject to review or approval under the Rules for Student Disciplinary Proceedings unless the recommended disciplinary action is the permanent expulsion or dismissal of a student from the Law School. In that event the student may request review by a Hearing Panel within 15 days after being informed of the School's intent to permanently expel or dismiss the student. The Hearing Panel shall be constituted under Section E.1 of the Rules for Student Disciplinary Proceedings. The sole issue for the Hearing Panel shall be whether the student should be expelled or dismissed from the Law School. The Assistant Dean for Student Life and Leadership or his designee shall provide the Hearing Panel with the investigatory findings and recommendations and shall make a presentation to the Hearing Panel. The student facing expulsion or dismissal shall have an opportunity to be heard. The Chair of the Hearing Panel shall decide in his/her sole discretion whether to hear any other witnesses or evidence and shall decide all procedural issues, with a view toward protecting the victim from embarrassment, loss of privacy and humiliation. In no event shall there be any examination or cross-examination of any witnesses by the alleged perpetrator or his/her counsel. The Hearing Panel shall not have authority to rescind any remedial action taken under this policy. The Hearing Panel shall not include any person who

participated in the investigation under this policy; provided, however, that the Dean shall retain authority to review the Hearing Panel's recommendation and to make the final decision.

The Law School reserves the right to take any appropriate disciplinary action including termination against an employee who violates this policy; provided, however, that a disciplinary action taken against a tenured faculty member for violation of this policy may be reviewed under Articles Seven, Eight or Nine of the Board of Trustees Tenure and Promotion Policy; provided, further, that any remedial action intended to protect the victim or prevent further violation of this policy shall not be subject to review.

#### **11. Non-Retaliation**

It is a violation of this policy for any member of the Law School community to retaliate against a person who makes a good faith report or complaint under this policy, or who participates in good faith in an investigation. The Law School shall respond to allegations of retaliation in accordance with the procedures contained in this policy.

#### **12. Dissemination**

This policy shall be published in the Student Handbook, posted in areas where all persons may review it, including the Law School's Intranet site, and obtained upon request from any dean, department head, or supervisor.

*Adopted administratively May 7, 2012.*