

**Effective August 1, 2024:** This policy does not currently apply to conduct occurring in the following states: Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia and Wyoming. For conduct occurring in those states or before August 1, 2024, please refer to the Policy effective August 2020, available at: <https://veterinary.rossu.edu/media/24196/rusvm-title-ix-policy-2020>

## TITLE IX AND SEXUAL MISCONDUCT COMPLAINT RESOLUTION AND PREVENTION POLICY

### NONDISCRIMINATION POLICY STATEMENT AND NOTICE OF NONDISCRIMINATION

Ross University School of Veterinary Medicine (RUSVM) is committed to providing an education conducive to the personal and professional development of each individual and to maintaining an academic environment free of discrimination and harassment based on race, color, religion, national origin, sex, age, ancestry, disability, veteran status, sexual orientation, pregnancy or parental status, gender, or any other basis protected by federal, state or local law in the admission to, access to, or treatment or employment in any of its programs or activities. RUSVM will not tolerate, condone, or allow discrimination or harassment, whether engaged in by fellow students, faculty members or non-faculty colleagues.

Inquiries about Title IX may be referred to RUSVM Title IX Coordinator, the Director, Office of Equity and Access (OEA), or the U.S. Department of Education's Office for Civil Rights, all listed below.

RUSVM Title IX Coordinator is:

**Jason Kangalee**

Manager, Student Engagement

Ross University School of Veterinary Medicine

500 West Monroe | 13th Floor | Chicago, IL 60661

869.465.4161 | [titleixcoordinator@rossvet.edu.kn](mailto:titleixcoordinator@rossvet.edu.kn)

OEA Director is:

**Danica Myers**

Director, OEA

Adtalem Global Education

500 West Monroe | 13th Floor | Chicago, IL 60661

872.250.0113 | [Equity@adtalem.com](mailto:Equity@adtalem.com)

U.S. Department of Education Office for Civil Rights:

Lyndon Baines Johnson Department of Education Bldg.  
400 Maryland Avenue, SW

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Washington, D.C. 20202-1100  
Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact [equity@adtalem.com](mailto:equity@adtalem.com)

Please see here for the complete notice of non-discrimination: [RUSVM's Non Discrimination Policy](#)

## REVISION OF THIS POLICY

RUSVM reserves the right to make changes to this Policy as necessary, and once those changes are posted online, they are in effect. If law or regulations change, or court decisions alter requirements in a way that affects this Policy, the Policy will be construed to comply with the most recent law, regulation or court decision and will be updated accordingly.

## DEFINITIONS

“**Advisor**” means an individual who provides support or advice to a Complainant or a Respondent, and/or participates formally as an Advisor during the Hearing Panel process further described below.

“**Appeal**” means a process for a party to request a review of certain determinations made by the Title IX Coordinator, Investigator or Hearing Panel based on specific criteria set forth in this Policy.

“**Appellate Officer**” means the individual who will review appeals filed by a party. The Appellate Officer will be impartial and free from demonstrated bias and free from any actual conflict of interest and will disclose any real or reasonably perceived conflicts of interest to the OEA Director and Title IX Coordinator as soon as such conflicts are discovered by the Appellate Officer. The Appellate Officer will have training in reviewing appeals under this Policy.

“**Affirmative consent**” is defined as an affirmative agreement that is informed, conscious, voluntary, and ongoing, to engage in a mutually agreed upon sexual activity.

Consent can only be given when free from intimidation, force, threat of force, and/or coercion. Lack of protest, lack of resistance, and/or silence does not automatically constitute consent. An individual’s manner of dress does not constitute consent.

Consent can be verbal or non-verbal, as long as the words and/or actions are understood to be an agreement to participate in a specific sexual activity. Solely non-verbal communication before

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and/or during sexual activity can result in misunderstanding which could result in a violation of this Policy. No person should make assumptions about consent. To avoid confusion or ambiguity, all individuals are encouraged to talk with one another before engaging in sexual activity. Each person involved in the sexual activity is responsible for ensuring they have consent of the other(s) to engage in it. The perspective of a reasonable person will be the basis for determining whether consent has been given.

Consent can be withdrawn at any time. An individual who wishes to withdraw consent must communicate, through clear words or actions, that they wish to cease the sexual activity. Once consent is withdrawn, the sexual activity must end.

Previous relationships, including past sexual relationships, do not imply consent to future sexual acts. Consent to one form of sexual activity cannot automatically imply consent to other forms of sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.

An individual cannot give consent to sexual activity if that person is unable to understand the nature of the activity or give informed consent due to temporary or permanent incapacitation. A person may be incapacitated due to use of alcohol or drugs, being asleep or unconscious, being underage, or due to mental or physical impairment. If an individual gives consent initially but becomes incapacitated during a sexual activity, the sexual activity must end.

The perspective of a reasonable person evaluating another person's physical and/or verbal functions will be the basis for determining that person's ability to give consent. Consent is required regardless of whether the person initiating sexual activity is under the influence of drugs and/or alcohol. Reasonable steps must be taken to ascertain consent from each individual.

**“Colleague”** refers to an employee of RUSVM.

**“Colleague Code of Conduct”** refers to the **“[Adtalem Code of Conduct and Ethics](#)”** [Code of Conduct 082319 \(adtalem.com\)](#), which is applicable to colleagues at all Adtalem Global Education Universities and offices and outlines colleagues' rights and responsibilities.

**“Colleague complaint procedure”** is the process by which colleagues can bring to the administration's attention any complaint relating to their experience with RUSVM or a member of RUSVM community. It is the mechanism for investigating and trying to resolve complaints raised by colleagues and can be found in the Commons ([apps.adtalem.com](https://apps.adtalem.com) > Commons- HR Portal > Policy Central).

**“Complainant”** is either a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex

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discrimination under this Policy and who was participating or attempting to participate in RUSVM's education program or activity at the time of the alleged sex discrimination.

**“Complaint”** is an oral or written report, alleging sex discrimination against a Respondent prompting RUSVM to investigate and make a determination about the allegations. The following persons have a right to make a complaint of sex discrimination, including complaints of sex-based harassment: a Complainant; a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; and the Title IX Coordinator. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the persons listed in the preceding sentence, any student or employee, or any person other than a student or employee who was participating or attempting to participate in RUSVM's education program or activity at the time of the alleged sex discrimination has the right to make a complaint. In the event that the Title IX Coordinator initiates a Complaint, this act does not make the Title IX Coordinator the Complainant for purposes of this Policy. A complaint may be filed with the OEA Director or Title IX Coordinator in person, by telephone, or by email, by using the contact information listed in this Policy. Individuals who would like more information about filing a Complaint are invited to contact the Title IX Coordinator for additional information.

**“CRC”** refers to the Coaching Resource Center, which is available to managers to assist in addressing colleague relations concerns, including complaints about colleague or vendor conduct.

**“Day”** means business day when RUSVM is open. This does not include weekends, holidays or inclement weather days when RUSVM is closed.

**“Director”** means the OEA Director.

**“Hearing Panel”** means a minimum of three (3) appropriately trained individuals who are appointed by the OEA Director to address sex-based harassment allegations by conducting a hearing to determine if a Respondent is responsible for violating the Policy. If Respondent is found responsible, a Hearing Panel will make sanction and remedy recommendations.

**“Member of RUSVM community”** includes students, faculty members or staff and any other individuals associated with RUSVM. The Director or Title IX Coordinator shall determine a person's status in a particular situation.

**“Notice”** refers to any information regardless of whether it is direct, indirect, partial or complete received by a colleague that indicates possible sex discrimination. When notice is received, colleagues, with the exception of confidential employees, are required to inform the Director or Title IX Coordinator.

**“Party”** or **“Parties”** means the Complainant and Respondent separately or jointly.

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**“Program or Activity”** means on or off campus locations, events, or circumstances over which RUSVM exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurred.

**“Prohibited Conduct”** is conduct that is prohibited by this Policy which includes sex discrimination, sex-based harassment, and/ or retaliation. These terms are further defined in this Policy.

**“Recipient”** means RUSVM.

**“Respondent”** means the person who allegedly committed a violation of this Policy. A Respondent may be a student, employee, or a volunteer.

**“Student”** means any person who has gained admission to RUSVM and/or matriculated at RUSVM.

**“Title IX Coordinator”** means RUSVM-based employee responsible for coordinating RUSVM efforts to comply with its responsibilities under this Policy.

## **POLICY SCOPE**

This Policy applies to any person participating in or attempting to participate in RUSVM'S educational program or activity. This may include prospective students, guests to campus, applicants, visiting athletes, admitted students, students who are registered or enrolled for credit or non-credit bearing coursework, or who are on a leave of absence or suspension. This Policy also applies to RUSVM colleagues. Title IX applies to sex discrimination committed against members of RUSVM community in the United States occurring as part of RUSVM'S education programs or activity. This includes allegations of sex discrimination impacting RUSVM'S education programs or activities in the United States, even when some conduct alleged to be contributing to the hostile environment occurred outside of RUSVM'S education program or activity and/or outside of the United States.

This Policy is applicable only to alleged incidents that occurred on or after August 1, 2024. For incidents that occurred prior to August 1, 2024, please refer to the Policy effective August 2020, available in the OEA Policy Archive found here: <https://veterinary.rossu.edu/the-office-of-equity-and-access>.

## **GENERAL POLICY PROVISIONS**

### **Title IX Coordinator and OEA Staff**

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The Title IX Coordinator coordinates RUSVM's efforts to comply with its Title IX responsibilities.

Title IX Coordinator: Jason Kangalee  
Manager, Student Engagement  
Ross University School of Veterinary Medicine  
869.465.4161 | [titleixcoordinator@rossvet.edu.kn](mailto:titleixcoordinator@rossvet.edu.kn)

The Title IX Coordinator, working in conjunction with the OEA, is responsible for implementing this Policy. This may include intaking reports and Complaints of Sex Discrimination and providing supportive measures.

OEA Staff: Danica Myers  
*Director, OEA*

Kendall Horneman  
*Equity Investigator*

Amber Callahan  
*Equity Coordinator*

### **Standard of Proof and Presumptions**

The standard of proof in all cases will be the preponderance of the evidence. This means that a finding of responsibility requires that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the Respondent engaged in prohibited conduct in violation of this Policy.

Respondent is presumed not responsible for the alleged sex discrimination unless and until a finding has been made, at the conclusion of the process and by a preponderance of the evidence, that the Respondent has engaged in prohibited conduct which violates this Policy.

### **Burden of Investigating**

The burden of conducting an investigation that gathers evidence sufficient to reach a determination regarding responsibility in each complaint rests on RUSVM and not the parties.

### **Evidence Limitations**

RUSVM will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based



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on a person's status as a complainant, witness, or respondent. RUSVM will not use, rely on or seek disclosure of information protected under a legally recognized privilege, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has waived the privilege. RUSVM will not access or use a party or witness' medical, psychological, and similar treatment records unless the party or witness provides voluntary, written consent.

RUSVM will not use, rely on, or seek to disclose evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about such prior conduct is offered to prove that someone other than the respondent committed the alleged prohibited conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply that the complainant consented to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

### **Free Expression and Academic Freedom**

RUSVM is committed to free expression and academic freedom. Nothing in this Policy is meant to infringe upon the free expression of colleagues and students. RUSVM will consider free expression and academic freedom in the consideration and investigation of Complaints under this Policy.

### **Disability Accommodations**

OEA partners with the Office of Student Disability Services (OSDS) on the provision of reasonable accommodations for students with disabilities. If you require an accommodation to participate fully in any part of the processes set forth in the Policy, contact the Director at your earliest convenience. If you have the requested accommodation on file with OSDS, OEA will implement the accommodation with assistance from OSDS. If you do not have the requested accommodation on file, OEA will connect you with OSDS to initiate the accommodation request process.

### **Confidentiality and Prohibited Disclosures of Personally Identifiable Information**

RUSVM will take reasonable steps to keep confidential the identity of the Complainant, Respondent, and witnesses, but cannot guarantee confidentiality. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise prepare for or participate in the complaint resolution process. RUSVM shall not disclose personally identifiable information obtained in the course of its complaint resolution process except 1) upon prior written consent from a person with the legal right to consent to disclosure; 2) when information is disclosed to a parent, guardian, or other authorized legal representative with a legal right to receive such disclosures; 3) to carry out this Policy including action to address conduct that may reasonably

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constitute sex discrimination; 4) as required by federal law, regulation, or terms and conditions of a federal award; and 5) to the extent that such disclosure is not in conflict with Title IX when required by state or local law or when permitted under FERPA.

### **Requests for Extensions and Delays**

The Director or Title IX Coordinator may extend any deadlines within this Policy, for a reasonable amount of time, on a case-by-case basis, for good cause. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

### **Retaliation Prohibited**

Retaliation means intimidation, threats, coercion, or discrimination against any person by RUSVM, a student, or an employee or other person authorized by RUSVM to provide aid, benefit, or service under RUSVM's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in complaint procedures under and in any other actions taken by RUSVM. Nothing in this definition precludes RUSVM from requiring an employee or other person authorized by RUSVM to provide aid, benefit, or service under RUSVM's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.

### **Training**

RUSVM ensures that its Title IX personnel have adequate annual training. The Title IX Coordinator, OEA Staff, Investigators, Hearing Panel, and Appellate Officers are trained, as applicable, on the definition of sex discrimination and all prohibited conduct, the scope of RUSVM's Education Program or Activity, how to conduct an investigation, RUSVM's complaint process (including hearings, appeals, and informal resolution processes, as applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Informal resolution facilitators are trained on the informal resolution process.

All RUSVM employees will be trained on RUSVM's obligation to address sex discrimination, the scope of conduct constituting sex discrimination, and all notification and information-sharing requirements, at the time of hire and annually thereafter.

Materials used to train RUSVM personnel may be requested directly from the Director or Title IX Coordinator.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act ("Clery Act") and the Violence Against Women Reauthorization Act of 2013 ("VAWA"),



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RUSVM will provide primary prevention and awareness programs to prevent Sexual Assault, Dating Violence, Domestic Violence and Stalking to incoming students and new Colleagues during their first semester.

### **No Bias or Conflict of Interest**

Any RUSVM employee acting under this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the employee's obligations to carry out this Policy. Should the OEA Director have a conflict of interest, the OEA Director is to immediately notify the appropriate RUSVM Campus President, who will determine whether a conflict of interest or bias exists, in which case the Campus President shall designate an Acting Director for purposes of carrying out the handling and finalization of the matter at issue. Should any Title IX Coordinator, Investigator, Hearing Panel member, or Appellate Officer have a conflict of interest or bias, they are to notify the OEA Director upon discovery of the conflict. To raise any concern involving bias or conflict of interest, contact the OEA Director, Danica Myers, by phone at 872.250.0113 or by email at [equity@adtalem.com](mailto:equity@adtalem.com).

### **Amnesty for Participating Parties and Witnesses**

RUSVM recognizes that students who have been participating in a possible student conduct violation such as academic integrity, drinking and/or using drugs at the time of the prohibited conduct under this Policy may be hesitant to report incidents due to fear of potential consequences for their own conduct. RUSVM strongly encourages the reporting of prohibited conduct. A student bystander or participating party, or witness acting in good faith who discloses any incident of prohibited conduct under this Policy shall not be subject to action under RUSVM's Code of Conduct for violation of academic integrity, alcohol and/or drug use occurring at or near the time of the commission of the prohibited conduct. RUSVM, however, reserves the right to take steps necessary to address health and safety concerns for the individual and the community, as well as the right to report truthfully to licensing bodies. Additionally, RUSVM reserves the right to take necessary action if it is determined that the student conduct violation was egregious.

### **Supportive Measures**

The Title IX Coordinator will provide Supportive Measures as necessary. Supportive Measures are individualized measures reasonably available without fee or charge to ensure equal access to educational programs and activities, protect safety of the parties, provide support during the complaint process or informal resolution process, and further deter prohibited activity. Supportive Measures are available, as appropriate to either or both the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Examples include counseling, extensions of time or other course related adjustments, modifications to work

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or class schedules, campus escort services, restrictions on contact between the parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar measures.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Once the Title IX Coordinator receives a report of prohibited conduct, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Complaint) and explain the process for filing a Complaint and provide a copy of this Policy. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

RUSVM will maintain the privacy of the Supportive Measures, provided that privacy does not impair RUSVM's ability to provide the Supportive Measures.

A Party will be provided written notice of the supportive measures provided to that Party outlining the reason(s) for any denials, modifications or reversals, if applicable, and of the right to appeal. All appeals will be assigned an Appellate Officer to review the appeal and make a decision. All appeal decisions are final.

### **Emergency Removal**

RUSVM can remove a Respondent entirely or partially from an education Program or Activities on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the health or safety of the complainant, any students, employees, or other persons arising from the allegations of sex discrimination justifies removal. The risk analysis is performed by the Title IX Coordinator in conjunction with the Director, Enterprise Safety and Security.

In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to challenge the emergency removal immediately following the removal.

The Title IX Coordinator has sole discretion under this Policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline, which may include expulsion or termination.

RUSVM will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning a Colleague, restricting a student's or Colleague's access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

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## **SEX DISCRIMINATION--PROHIBITED CONDUCT**

**Prohibited conduct** detailed below includes actual and attempted conduct.

**A. Sex-based Discrimination** includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

**B. Sex-based Harassment:** Sex-based harassment is a form of sex-discrimination. It is conduct on the basis of sex that satisfies one or more of the following:

1. An employee, agent, or other person authorized by RUSVM to provide an aid, benefit or service under RUSVM's education program or activity, either explicitly or impliedly condition the provision of such aid, benefit, or service on a Complainant's participation in unwelcome sexual conduct (i.e. **Quid Pro Quo**);
2. Unwelcome sex-based conduct that based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a Complainant's ability to participate in or benefit from RUSVM education program or activity (i.e., creates a **hostile environment**).
3. **Sexual Assault** includes both forcible and non-forcible sexual offenses as defined by the Clery Act and included below:
  - a. Sexual offenses, Forcible: Any sexual act directed against a Complainant without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
    - i Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of a Complainant, without the consent of the Complainant.
    - ii Oral or anal sexual intercourse with a Complainant, forcibly, and/or against that Complainant's will (non-consensual), or not forcibly or against the Complainant's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - iii The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of a Complainant, forcibly, and/or against that Complainant's will (non-consensually) or not forcibly or

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against the Complainant's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- iv The touching of the private body parts of a Complainant (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that Complainant's will (non-consensually), or not forcibly or against the Complainant's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

b. Sexual Offenses, Non-forcible, includes any of the following:

- a. Incest: Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by state or local law.
  - b. Statutory Rape: Non-forcible sexual intercourse, with a Complainant who is under the statutory age of consent in accordance with state or local law.
4. **Dating Violence:** Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
5. **Domestic Violence**<sup>1</sup>: Violence, on the basis of sex, which is a felony or misdemeanor crime, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the state or local domestic or family violence laws of residency, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws in which the conduct occurred.

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6. **Stalking:** Engaging in a course of conduct, on the basis of sex, directed at a specific Complainant, that would cause a reasonable person to fear for the person's safety, or the safety of others or suffer substantial emotional distress.

For the purposes of this definition,

- a "course of conduct" means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - b Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - c Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- C. Retaliation means intimidation, threats, coercion, or discrimination against any person by RUSVM, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in complaint processes under this Policy and in any other actions taken by a recipient. Nothing in this definition precludes RUSVM from requiring an employee or other person authorized by RUSVM to provide aid, benefit, or service under RUSVM's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.

## **REPORTING SEX DISCRIMINATION**

Any person can report sex discrimination, including sex-based harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

If you believe that you have experienced or witnessed sex-based harassment, RUSVM encourages you to notify the Title IX Coordinator as soon as possible after the incident. A report may be made to either or both the police and the Title IX Coordinator; however, please be aware that the criminal

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process is separate from RUSVM's Title IX complaint resolution process. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, RUSVM will assist a victim of sex-based harassment in contacting the police. A Complainant is not required to contact the police to pursue RUSVM's complaint process.

Reports can be made by victims, third parties or bystanders with the option to remain anonymous through the SpeakUp Adtalem (“SpeakUp”) program 1.866.421.0617, or online at [speakupadtalem.ethicspoint.com](https://speakupadtalem.ethicspoint.com) SpeakUp is a reporting system managed by a third-party vendor (Ethics Point), which encourages members of RUSVM community to come forward with questions or concerns, including allegations of sex-based harassment. Reports can be made anonymously, or reporters can provide their name and contact information. Colleagues are expected to ask legal, compliance and ethics questions and report suspected wrongdoing. Colleagues and students can utilize the SpeakUp program by contacting the third-party contractor Ethics Point by phone at 1.866.421.0617, or online at [speakupadtalem.ethicspoint.com](https://speakupadtalem.ethicspoint.com).

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to RUSVM's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer Supportive Measures and/or Remedies, and/or engage in informal or formal action, as appropriate. When notice/complaint is affected by a significant time delay, RUSVM will apply the Policy that was in place at the time of the notice/complaint.

As required by the Clery Act, RUSVM will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. RUSVM will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. RUSVM reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASR.

## **COMPLAINT RESOLUTION PROCESSES**

RUSVM provides an Informal Resolution Process and two Formal Resolution Processes for resolving complaints of prohibited conduct. The Formal Resolution Processes are:



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- Formal Investigation with Hearing Determination
- Formal Investigation with Investigator Determination

Complaints involving allegations of Sex-based Harassment where any party is a student are required to be resolved using either the informal resolution process or the formal investigation with hearing determination. All other Complaints are required to be resolved using either the informal resolution process or the formal investigation with investigator determination. RUSVM utilizes a prompt, equitable and impartial process to evaluate Complaints. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent or witness.

Both parties will receive equal opportunity to provide information, witness statements, evidence, and other information that may be necessary to fully evaluate the allegations. Both parties will be afforded equitable rights and access during the Complaint process. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Complaint process.

Generally, the Complaint resolution process consist of a Complaint, Notice of Allegations, investigation, an opportunity to review and respond to the evidence, either an investigator determination or live hearing to reach a determination, and disciplinary measures (in cases with a finding of responsibility), remedies, and appeal (if applicable). The Complaint resolution process, barring extenuating circumstance, will typically conclude within 120 days from the date a Complaint is filed. RUSVM has discretion to extend this timeline in appropriate circumstances as determined by RUSVM.

In certain circumstances where RUSVM has received allegations of sex discrimination, namely the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination. After considering factors required by law and any other factors, if the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents RUSVM from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

## **INFORMAL RESOLUTION PROCESS**

If the Title IX Coordinator deems it appropriate and both parties voluntarily consent in writing, Complaints can be resolved through informal resolution, such as mediation. The Title IX Coordinator will facilitate an appropriate informal resolution process depending on the nature of the allegations, the parties involved, and the overall circumstances. If an informal resolution is determined to be appropriate, and agreed upon by both parties, it will be conducted by a facilitator, who will be designated by the Title IX Coordinator. At any time prior to agreeing to an informal

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resolution, any party has the right to withdraw from the informal resolution process and resume a formal resolution process.

Before beginning the informal resolution process, the Title IX Coordinator will provide the parties with a written notice containing the following information:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume a formal resolution process;
- That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming a formal resolution process arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information RUSVM will maintain and whether and how RUSVM could disclose such information for use in its formal resolution processes if formal resolution processes are initiated or resumed.

## **FORMAL RESOLUTION PROCESSES**

### **Notice of Allegations (NOA)**

Upon initiation of RUSVM's formal resolution processes, RUSVM will notify the parties of the following:

- RUSVM's Title IX formal resolution processes and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the persons involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s). This can be a description of the evidence or direct access to the evidence;
- If RUSVM provides a description of the evidence, the parties are entitled upon request to an equal opportunity to obtain the relevant and not otherwise impermissible evidence; and
- Retaliation is prohibited.

If, in the course of an investigation, RUSVM decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in

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the initial notice provided or that are included in a complaint that is consolidated, RUSVM will notify the parties of the additional allegations.

## **Investigation of Complaints**

RUSVM will provide for adequate, reliable, and impartial investigation of complaints:

- RUSVM, not the parties, has the burden to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
- RUSVM will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.
- RUSVM will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
- RUSVM will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- RUSVM may establish restrictions regarding the extent to which the advisor may participate in these complaint procedures, as long as the restrictions apply equally to the parties. Please see the “advisor” definition and “Role of Advisor” section in this Policy for more information.
- RUSVM will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties’ choice present during any meeting or proceeding. RUSVM reserves the right to limit the parties to having only an advisor present during any meeting or proceeding.
- RUSVM will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. Typically, the investigation phase will take approximately 90 days from the NOA to gather all necessary information and to draft the investigation report. RUSVM has discretion to extend this timeline in appropriate circumstances.
- RUSVM will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- RUSVM will provide each party and the party’s advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations and not otherwise impermissible, in the following manner:
- RUSVM will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or a written investigative report that accurately summarizes this evidence. If RUSVM provides access to an investigative report,

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- RUSVM will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence underlying the report upon the request of any party. Both parties will have 10 days to review and respond in writing to the evidence;
- RUSVM will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If RUSVM conducts a live hearing as part of its complaint procedures, it will provide this opportunity to review the evidence in advance of the live hearing. Parties will be given ten (10) days prior to the Hearing to review all documentation; and
  - RUSVM will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the complaint process.

### **Dismissal of Complaints**

RUSVM may dismiss a Complaint, or any allegations therein, at any time during the investigation or hearing phase, if:

- RUSVM is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in RUSVM's education program or activity and is not employed by RUSVM;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and RUSVM determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if
- proven; or
- RUSVM determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint on this basis, RUSVM will make reasonable efforts to clarify the allegations with the complainant.

RUSVM retains discretion on a case-by-case basis to dismiss a Complaint based on any of the above reasons. Satisfaction of one or all of the conditions does not mean RUSVM will automatically dismiss the Complaint. Instead, RUSVM will determine if such a decision is appropriate under the circumstances. A dismissal does not preclude action by RUSVM under the separate RUSVM code of conduct policies.

If a Complaint is dismissed, RUSVM will provide complainant with reasons in writing for the dismissal and notice of appeal rights. RUSVM will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified

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of the allegations, then RUSVM will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator or investigator, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, RUSVM will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the Appellate Officer did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the Appellate Officer has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

All appeals will be assigned an Appellate Officer to review the appeal and make a decision. A dismissal appeal decision is RUSVM's final decision, and no further appeal to RUSVM will be permitted. Parties will have 5 days to file an appeal after the dismissal is issued. The Appellate Officer generally should take 14 days to issue a decision. RUSVM has discretion to extend the timeline in appropriate circumstances as determined by RUSVM.

### **Investigation with Investigator Determination**

For all non-dismissed Complaints containing allegations of sex discrimination and any non-dismissed Complaints containing allegations of sex-based harassment that concern colleague-on-colleague prohibited conduct, the Investigator will draft a determination after the review and response period provided to the parties. The written determination will include analysis of the evidence collected and a finding of whether the Respondent is or is not responsible for engaging in prohibited conduct, as alleged. If there is a finding of responsibility, there will be remedies and disciplinary recommendations in the determination. Respondent has the right to appeal the determination as described in the Appeal section of this Policy.

### **Investigation with Live Hearing Determination**

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If a Complaint is not or cannot be resolved through informal resolution, or the Complaint concerns alleged conduct outside the scope of conduct to be resolved through the Investigator Determination process, RUSVM will conduct a live hearing. Live hearings are facilitated by a designated Hearing Panel, separate from the Title IX Coordinator or Investigator. The Hearing Panel will be selected by the OEA Director. The Hearing Panel will have no fewer than three (3) members.

RUSVM will conduct the live hearing with the parties physically present in the same geographic location or, at RUSVM discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the Hearing Panel and parties to simultaneously see and hear the parties and witnesses.

RUSVM will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review, upon request.

RUSVM's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the Hearing Panel to ask such questions, and allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the Hearing Panel, subject to the procedure for evaluating and limiting questions described below:

- The Hearing Panel, or the Hearing Panel chair, will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Panel or the Hearing Panel chair will give a party an opportunity to clarify or revise a question that is determined to be unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

The Hearing Panel may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Panel will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

### **Hearing Panel Written Determination**

The Hearing Panel will issue a written determination regarding responsibility with a description of the complaint resolution process from Complaint through the live hearing, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the conclusion as to each allegation, disciplinary sanctions imposed on the Respondent and whether remedies will be provided to the Complainant. The determination will be sent simultaneously to the parties along with information on how to file an appeal. This determination generally is sent to the parties within



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15 days of the live hearing. RUSVM has the discretion to extend this time period in appropriate circumstances.

## **Disciplinary Sanctions**

Disciplinary sanctions against the Respondent will not be imposed before completion of RUSVM's complaint process, including any appeal. Following a final RUSVM decision that prohibited conduct occurred, appropriate corrective action will be taken, and RUSVM will take steps to prevent recurrence. Disciplinary sanctions will be determined on a case-by-case basis. Any Colleague determined by RUSVM to be responsible for prohibited acts will be subject to appropriate disciplinary sanction, up to and including termination. Colleagues are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process. Student disciplinary sanctions may include additional training, a restriction on contact, suspension, or expulsion.

Failure to abide by imposed disciplinary sanctions (whether by refusal, neglect or any other reason), may result in additional disciplinary action, including termination, suspension, or expulsion.

Individuals who make a materially false statement in bad faith in the course of a Title IX complaint process will be subject to RUSVM's Code of Conduct policies.

## **Remedies**

Remedies are provided to a Complainant whenever a Respondent is found responsible. Student remedies are designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis as reasonable under the circumstances. Remedies may include supportive measures.

## **Appeal**

Both parties have the right to appeal an Investigator or Hearing Panel determination regarding responsibility solely on the following bases: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter; (4) the determination was clearly erroneous based on the evidence compiled during the investigation; and/or (5) the proposed sanction(s) was not reasonable based on the evidence compiled during the investigation

An appeal must be submitted in writing to the Title IX Coordinator within ten days of the delivery of the written determination. Appeals will be decided by the Appellate Officer or designee. An appeal decision is RUSVM's final decision, and no further appeal to RUSVM will be permitted.

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The Appellate Officer generally should take 14 days to issue a decision. RUSVM has discretion to extend the timeline in appropriate circumstances as determined by RUSVM.

### **Role of the Advisor**

The parties are permitted to bring an Advisor of their own choosing and at their own expense, including a family member or an attorney, to any meeting or proceeding that is held in connection with the investigation and resolution of a Complaint brought under this Policy. Choosing an advisor who is a witness in the Complaint Process creates potential for bias and conflict of interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Panel.

The Complainant and Respondent are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Complaint process and during any live hearing. Only the Hearing Panel will question the parties during a live hearing, if applicable. Advisors are expected to advise without disrupting proceedings. For example, advisors should not address IRUSVM officials in a meeting, hearing, or interview unless invited to do so. An advisor may not make a presentation during any meeting, interview, or hearing and may not speak on behalf of the party to the Investigator or Hearing Panel. If an advisor is disruptive or otherwise fails to respect the limits of the advisor role, the advisor may be asked to leave, or the meeting, hearing, or interview may be terminated.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by RUSVM. The Hearing Panel may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by RUSVM's privacy expectations.

## **PRIMARY PREVENTION AND AWARENESS PROGRAMS ADDENDUM**

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### **Prevention and Awareness**

Acts that are deemed to fall within the scope of this Policy are violations of the Code of Conduct as well as the expectations for members of RUSVM community. These acts may also be crimes. To increase the likelihood of intervention and reduce the risk of sex and/or gender-based misconduct from occurring among its students and colleagues, RUSVM is committed to providing primary and ongoing awareness and prevention programming.

Primary and ongoing awareness and prevention programs will cover the continuum of issues contemplated by this Policy. Themes will include situational awareness and prevention strategies, such as bystander intervention and other forms of risk reduction. While bystander intervention

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specifically refers to the safe and effective ways in which third parties can intervene to thwart sex and/or gender-based misconduct, risk reduction also encompasses various strategies to eliminate or reduce risk of harm by avoiding or removing oneself from situations that are dangerous or uncomfortable. Awareness programs are events that occur online or in person that invite active engagement of community members. It is the expectation and responsibility of each member of RUSVM community to participate in programming which will assist with ongoing prevention efforts as well as effective and efficient identification and response when sex and/or gender-based misconduct does occur.

Primary prevention and awareness programming will include a comprehensive online education platform intended for viewing by all colleagues and students as well as student-facing vendors if necessary and appropriate. The program will be completed by:

- New students and transfer students within three weeks of the start of the student's first session
- Returning and continuing students who did not take the training as a new or transfer student within three weeks of the start of the session the student is scheduled to resume or continue studies
- Colleagues by the date stated in email notification
- Specific vendors by the date stated in email notification

Access to the primary prevention program and its contents will be ongoing throughout the participant's relationship with RUSVM. Members of RUSVM community are encouraged to visit this resource regularly for personal, professional and academic purposes.

Ongoing prevention and awareness campaigns consist of public service announcements and campaigns as well as messages and activities integrated into the day-to-day fabric of the academic community. These initiatives are intended to reinforce increased awareness regarding sex and/or gender-based misconduct and prevention strategies throughout the year. RUSVM will continually seek formal and informal ways to incorporate additional awareness and prevention strategies, e.g., active and passive educational campaigns, such as social norms poster campaigns, newsletter articles, presentations and volunteerism with local community resource agencies. When additional ongoing education is provided, the organizer will report that event, activity or effort to the Title IX Coordinator for record keeping and quality assurance purposes. Toolkits including ideas and resources that support ongoing efforts and are related to the primary prevention and awareness programming, will be made available to any campus upon request.

Additional training will be delivered to colleagues responsible for responding to reports of sex and/or gender-based misconduct. These colleagues should complete the primary prevention and awareness programming described above as well as remote or live training and/or consultation with the Title IX Coordinator before and during management of an allegation within the scope of the Title IX Complaint and Resolution Processes and Policy.

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## **Risk Reduction Tips**

Responsibility for sexual misconduct rests with those who commit such acts. Risk reduction tips are not intended to blame the victim. There are precautions we all can take which may limit our exposure to situations which may result in non-consensual sexual acts.

- Communicate limits/ boundaries and respect the limits/boundaries of others.
- Clearly and firmly say “No” to a sexual aggressor.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
- If someone is nearby, ask for help.
- Take responsibility for your alcohol/drug use. Acknowledge that alcohol/drugs lower sexual inhibitions and may make you vulnerable to someone who sees an impaired person as a sexual opportunity.
- Do not take advantage of someone’s intoxication or altered state even if alcohol or drugs were consumed willingly.
- If you choose to share intimate images, pictures, videos or content with others, even those you trust, be clear about your expectations regarding how the information may be used, shared or disseminated. If such information is shared with you, do not share it with others.
- Take care of friends and ask that they take care of you.
- As a sexual initiator, clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go or about physical and/or mental ability to consent.
- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage, your gender, your demeanor or your physical presence. Do not use or abuse that power.

## **Bystander Intervention Strategies**

Intervention by classmates, colleagues and others within proximity to the precursors or signs of possible sexual assault, sexual exploitation, dating violence, domestic violence or stalking can significantly impact the course of an interaction between a latent perpetrator and victim. Bystanders may also encourage friends, classmates and colleagues who are already experiencing victimization to seek assistance sooner than they may have without encouragement, support or acknowledgment. Community members are encouraged to recognize warning signs and to consider

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possible methods of interference in various scenarios before opportunities to intervene arise. By planning ahead, we all maximize the likelihood of being empowered to take safe actions to either prevent sexual misconduct or offer paths to eliminate ongoing victimization.

When a member of RUSVM community observes threatening, coercive, forceful, aggressive or harassing behavior, it is important to assess the situation to determine the best possible course of action for all concerned. Some forms of intervention are direct, while others will be less apparent to the perpetrator or others within range of the interaction. Examples include but are not limited to:

- Making up an excuse to get someone out of a dangerous situation.
- Stepping in to change the course of an interaction.
- Warning potential or perceived perpetrators that their actions may lead to severe consequences.
- Refusing to leave the company of a potential victim despite efforts by an aggressor or pursuer to get the potential victim alone.
- Taking steps to reduce alcohol or drug consumption within a potentially dangerous social situation.
- Calling and cooperating with security, administration, the police or others to assist with intervention and accountability.
- Expressing concern or offering resources when you notice someone with unexplained or frequent injuries.
- Refusing to consider sex and/or gender-based misconduct a personal or private matter between the victim and the perpetrator.

### **Procedures to Follow After a Sexual Misconduct Incident**

Complainants of any sexual misconduct that might constitute a crime, including domestic violence, dating violence, sexual assault, stalking and rape (including acquaintance rape) have the option and are encouraged to contact local law enforcement authorities. The criminal process is separate from RUSVM's process.

Whenever possible, Complainants should report to their local law enforcement authorities and/or as described in the Title IX Complaint and Resolution Processes and Prevention Policy as soon as possible and preserve evidence as may be necessary to prove that domestic violence, dating violence, sexual assault or stalking occurred, or to obtain a protection order. Prompt reporting may help deter future assaults and may provide additional opportunity for Complainants to receive the services they need. Steps should be taken to address the physical and emotional trauma associated with the incident.

Recommended steps include:

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1. Go to a safe place; go somewhere to get emotional and physical support as needed.
2. Consider reporting the incident to the police. Complainants are not required to report an incident to law enforcement authorities, but RUSVM can assist the Complainants with contacting the police, if requested.
3. Report the misconduct to the manager of student services, sr. manager of campus operations, one-up manager, campus incident commander, local RUSVM leadership, Title IX Coordinator or the CRC.
4. For a Complainant's safety and well-being, immediate medical attention is encouraged. Time is a critical factor for evidence collection and preservation that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining an order of protection. Being examined as soon as possible, ideally within 120 hours, is important especially in the case of rape and other forms of sexual assault. To preserve evidence, it is recommended that, if at all possible, you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. Secure them in a clean paper bag or clean sheet. Completing a forensic examination does not require someone to file a police report. To find a location near you that performs free forensic examinations, call the National Sexual Assault Hotline at (800) 656-4673. Resources are also available through the Rape Abuse & Incest National Network (RAINN); [www.RAINN.org](http://www.RAINN.org).
5. Even after the immediate crisis has passed, consider seeking professional counseling and the support of local and specialized support agencies, such as sexual assault recovery centers and domestic violence safe houses. This can help to recover from the psychological effects and provide a safe environment for recovery.

## Resources

Local Resources can be found in RUSVM's Annual Security Report distributed to each campus community and posted on the Student Consumer Information page of RUSVM's website. The reports are available by location in a drop-down menu and contains a lists of local resources available to victims of sex and gender-based misconduct. The resource lists are updated annually. To access the ASR, please see [RUSVM ASR Report](#).

Additionally, the following resources exist to provide information and links to external assistance:

- National Sexual Assault Hotline 1.800.656.HOPE (4673) [rainn.org](http://rainn.org)
- National Domestic Violence Hotline 1.800.799.7233 (TTY) 1.800.787.3224 or text "START" to 88788. [thehotline.org](http://thehotline.org)



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- National Network to End Domestic Violence [nnedv.org](http://nnedv.org) and [womenslaw.org](http://womenslaw.org) (Legal information and resources)
- National Center for Victims of Crime 202.467.8700 [victimsofcrime.org](http://victimsofcrime.org)
- loveisrespect 1.866.331.9474 (TTY) 1.866.331.8453 or text “LOVEIS” to 22522 [loveisrespect.org](http://loveisrespect.org)
- 988 Suicide & Crisis Lifeline (*Formerly National Suicide Prevention Hotline*) phone: 988 [988lifeline.org](http://988lifeline.org)
- Pathways to Safety International 833-SAFE-833 (International Toll-Free) [pathwaystosafety.org/](http://pathwaystosafety.org/) email: [crisis@866uswomen.org](mailto:crisis@866uswomen.org)
- U.S. Embassy [usembassy.gov](http://usembassy.gov)
- Child Welfare Information Gateway 1-800-394-3366 [childwelfare.gov](http://childwelfare.gov)
  - State Statutes Including Mandatory Reporting Laws [childwelfare.gov/topics/systemwide/laws-policies/state](http://childwelfare.gov/topics/systemwide/laws-policies/state)

## TITLE IX COMPLAINT RESOLUTION AND PREVENTION POLICY ADDENDUM<sup>2</sup>

For individuals attending or working at RUSVM University campuses located in Illinois, the following policies and/or procedures are modified or supplemented to those set forth in the Title

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IX Complaint Resolution Processes and Prevention Policy. RUSVM reserves the right to adjust this Addendum consistent with current law. If any portion of this Addendum is deemed invalid, the invalidity shall not affect other portions of the Title IX Complaint and Resolution Processes and Prevention Policy.

## **ILLINOIS**

### **Definition of Consent**

Illinois Preventing Sexual Violence in Higher Education Act (which applies to conduct occurring in Illinois) utilizes a definition of “Consent” which recognizes that (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.

### **Additional Training**

Colleagues at Illinois campuses involved in (1) receipt of a student report of an alleged incident of sexual violence, domestic violence, dating violence, or stalking, (ii) the referral or provision of services to a survivor, or (iii) any campus complaint resolution procedure that results from an alleged incident of sexual violence, domestic violence, dating violence, or stalking will be provided annual survivor-centered and trauma-informed response training. Colleagues at Illinois campuses whose duties include resolution of student complaints receive 8 to 10 hours of annual training on issues related to sexual violence, domestic violence, dating violence and stalking. Training also includes how to apply this Policy.

### **How to File a Report**

Illinois Preventing Sexual Violence in Higher Education Act requires RUSVM to provide contact information for local law enforcement. Local law enforcement may be reached at:

Addison Campus: 630-543-3080

Chicago Campus: 312-744-8290

Tinley Park Campus: 708-444-5300

Within 12 hours of when RUSVM receives an electronic report, students at Illinois campuses will receive information detailed in the “Victim/Survivor Rights” paragraph of this Policy.

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### **Written Determination**

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

### **Amnesty for Victims and Witnesses**

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

#### External Resources - Addison Campus:

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

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

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

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

#### External Resources - Chicago Campus:

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

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

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

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

External Resources - Tinley Park Campus:

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

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

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

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

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*COMPLAINANT AND RESPONDENT RIGHTS ADDENDUM*

Complainant and Respondent have the following rights:

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1. Be treated with respect by all RUSVM officials;
2. Be informed of the available support resources or measures available;
3. Be free of any form of retaliation and free to report such retaliation without fear of disciplinary action;
4. Request a mutual ban from contact with another party or witness;
5. Be accompanied by one Advisor throughout the process, including at any meetings or interviews;
6. Experience an adequate, reliable, impartial and prompt investigation of the allegations conducted within a reasonable period of time after the complaint is filed;
7. Receive written notice of the date, time and location of any interview scheduled with the Investigator and/or Hearing Panel;
8. Be kept informed of the status of the investigation, to the extent possible, regardless of participation;
9. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party
10. Meet with the Investigator and present information on their own behalf, identify witnesses or other third parties who might have relevant information and identify or provide relevant documents or other information the party believes may be helpful to the investigation;
11. Have past unrelated behavior excluded from the investigation process;
12. Question the selection of the Title IX Coordinator, Investigator, Hearing Panel, and the Appellate Officer on the basis of an actual conflict of interest or demonstrated bias;
13. Be notified of the determination and any sanctions applied, if applicable;
14. Initiate and participate in an appeal process; and
15. Waive any of the rights contained herein.



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