

*Student Government of Loyola Chicago*



09/29/2020, 4:30 PM

Zoom

Senate Minutes

I. Roll Call

- A. Call to Order at 4:32 PM
- B. All Present

- 1. Not Present: Senator Nanda

II. Visitors & Guest Speakers

A. Tim Love, Office for Equity and Compliance

- 1. Tim Love stated that he is the Executive Director for Equity & Compliance and the Title IX Coordinator. He was also an advisor to SGLC two years ago.

- 2. Laura Buchs stated that she is an investigator within the OEC and also works on training.

3. Background

- a. In 2019, the OEC was created to centralize the coordination of the University's response to allegations of discrimination, sexual misconduct, and related equity issues. They had realized in 2018 that they could benefit as an institution given their complexity and size. Senior leadership at the university felt it would be beneficial to centralize our response and make sure that University responds consistently to issues. In 2019, he was charged to stand up this office. He spent the Spring semester building the office and hiring and training staff. It was not until September that they launched in earnest in their full capabilities beginning with their "Comprehensive Policy". The full name is The Comprehensive Policy and Equitable Resolution for Procedures for Discrimination and Sexual Misconduct and Retaliation. This policy was first published in September 2019 and sought to bring together and synthesize all of the different areas where the University had different policies addressing issues like nondiscrimination or sexual misconduct. They also onboarded a new system called Maxient to help them do case management. He has heard a lot of talk lately among students calling into question and raising concern about EthicsLine. He wants to be clear that when it comes to reporting issues of discrimination or sexual misconduct, EthicsLine is not the University's primary place to go to make a report. The main place you want to go is through Maxient system which you can access through their website or the Office of the Dean of Students website as well. EthicsLine does remain available but is intended to receive reports of other kinds of misconduct such as financial fraud or academic dishonesty. If you or anyone you know has an experience related to discrimination or sexual misconduct and they want to make sure that the University addresses that report, it is faster and more streamlined to go through the Maxient system. If it goes to EthicsLine, it will still get to them, but it is not the primary resource. Under that policy structure, last year they addressed various cases as they came. In March, they had the disruption of COVID-19 and they rounded out the Spring semester feeling okay but not getting to everything they wanted to get done.

- b. In May 2020, the Department of Education issued final regulations that were to go into effect August 14, 2020. This significantly shifted the compliance requirements with universities with respect to responding to allegations of sexual misconduct including sexual harassment, stalking, sexual assault, dating violence, and domestic violence. This required the University in a relatively short period of time and remote, make a shift in policy to make sure that the University remained in compliance with Title IX. They had 89 days total to do that. They did so, and he is very proud of the work that they did. They made significant changes to the "Comprehensive Policy" to ensure that we would remain in compliance with Title IX.

4. Significant Updates for 2020

- a. The 2020-2021 version of the "Comprehensive Policy" has a new section under Article 3, the Title IX Sexual Harassment Process. This entire process is new and required. They will use it on a case that warrants it being used. Another significant change is the greater distinction between a report and a formal complaint. If you go to our website, they are trying to show the distinction. It includes basic information to make it straightforward, pdfs that break it down, and where you go to submit a complaint or report there is more information. It is more nuanced than it used to be. They are trying to

communicate this as effectively as they can. Essentially, a report is any disclosure, informally or formally informed that any individual has experienced sexual misconduct or discrimination. In the case of a report, they still have an obligation to respond appropriately, take appropriate action, and to stop, prevent, and remedy any misconduct that might be happening. Initiating a formal complaint starts a formal investigation. A report is oriented towards getting people support, getting them resources, making sure they know about their options, and empowering them to choose what is going to be helpful to them to continue in their education. A complaint is intended to let the University know that you are officially requesting that the University intervene what you are accusing someone else of having done to you because it was wrong, and you want the University to make it right. A person can start with a complaint or they can start with a report. If they start with a report, they can later decide that they want to go forward with a complaint, but they don't have to. In either case they will get resources and support. This comes from the changes with the Title IX law and regulation that demands a distinction between the two. This demands that universities put in place certain safeguards that those who are filing complaints are actually intending to do so and have a standing within the university community to do so.

- b. Another thing you will notice is that there is enhanced access to evidence for parties and advisors. There is transparency throughout the process both for complainants and respondents as well as for advisors. In the past they always strive for transparency in the process. They put it very clear to folks on how it was going to go, what the rights are, that the rights are available to them. There are some requirements now that require additional information to be shared upfront when they initiate an investigation. As well as additional access to information to information, even if that information is irrelevant. If it has been presented, both parties have the ability to access that information and evidence throughout the process.
  - c. There is a slight modification to "Responsible Campus Partners" obligation. There used to be a legal grounds that universities had a requirement from the Department of Education that if any employee was working with students that they have a reporting obligation where they would need to inform someone at the university. When you are on notice as an institution that this has occurred within the university community, you then have a responsibility to respond appropriately with due care to make sure the university is safe. The Department of Education has really narrowed down the standard of care for university. The university is not officially on notice unless a report has been received by the office that handles Title IX or if a report has been received from another official with authority to institute corrective action. Even though the law has shifted and moved away from this notion of everyone having a mandatory reporting obligation, we have decided as a university to have this be a university policy with some amendments. The amendments were done thoughtfully and in consideration of feedback that they received from students, faculty, and survivors to try and make sure that we were not putting the student in a situation where they could not talk about their experience openly with a faculty member in a classroom or a RA who is a friend without it triggering an unwanted report to the university in order to give students and survivors more autonomy. Reporting is still required of all employees when the sexual assault involves a current minor, happened while the victim/survivor was/is a student, or happened while the alleged perpetrator was/is a student or employee. They want to make sure that the survivor has resources and knows their option. We have a sense of obligation to the university when the perpetrator was an employee or another student. This way we can assess for any other potential danger to our university community. We are continuing to put in place the expectation for our employees out of concern for the safety of the student body on balance with the autonomy of the survivors. Whenever we have the opportunity, we tweak those policies within legal parameters based on mission and concern for safety.
5. Article 3: Title IX Sexual Harassment Grievance Process
- a. Not all cases that come to our office will be addressed under Article 3. They still have Article 2 called Equitable Resolution Procedures are intended to continue to be used with any issue of discrimination or any issue of sexual misconduct that is reported to us unless the sexual misconduct reported constitutes Title IX sexual harassment. Title IX Sexual Harassment is not the common understanding of sexual harassment. It is a unique thing that the Department of Education has created by imposing the definitions and jurisdictional requirements. They have tried to put in place easily accessible resources on our website. Both the definitional requirements and jurisdictional environments have to be met for a case to be considered Title IX sexual harassment such that we will address it. The definitional requirements are that the behavior must be Title IX Sexual Harassment as defined by the Department of Education. There are three different types. Any issue of sexual assault, stalking, dating violence, or domestic violence is all considered to be Title IX Sexual Harassment. In addition, quid pro quo sexual harassment when it is by an employee can be considered Title IX Sexual Harassment. Finally, there is hostile environment sexual harassment which is sexual harassment that is so severe, pervasive, and objectively offensive that a reasonable person would be effectively denied equal opportunity to the university's education programs or activities. This is the definition by law of what

Title IX Sexual Harassment is. If there is other equally wrong sexually harassment type stuff that is not covered by all of this or it may not meet the jurisdictional requirements, the University still reserves the right to address the right of other types of sexual misconduct that are inconsistent with our values and our expectations under Article 2. Jurisdictionally there are other requirements that you must also consider. The incident must have occurred within the University's education program or activity. This means that if a part happens off campus and has nothing to do with the university, they will not follow the Title IX Sexual Harassment Grievance Process to address that. They will still address it under Article 2 since that goes to the expectations and it is part of our responsibility of a university that the impact of behavior like that even though it occurs off campus can carry into a person's experience on campus. It also has to occur within the United States. Anything that happens on a study abroad program would not be considered as Title IX Sexual Harassment. It would still be sexual harassment and will still be sexual assault and they will still address it. It also has to be reported by a current or prospective student or employee in most cases.

- b. There are some distinctions between the Title IX Sexual Harassment Grievance Process and ERP. It starts with a formal complaint. Upon receiving a formal complaint when it comes to Title IX, they immediately notify both parties. This is not something they do when they get a report, but it is something they do when they get a formal complaint. Then the OEC investigates the complaint. They do it in a very thorough, meticulous way free from bias or conflicts of interest. There are also options for informal resolutions. At the conclusion of an investigation, they put together an investigative report. Then the case moves onto a hearing. This requirement of a live hearing is one of the controversial new pieces of Title IX. The live hearing has certain elements in it. There has to be an opportunity for both parties, any witnesses, anyone's who's statements are going to be potentially considered and relied on have to come and participate in the hearing and be subject to cross-examination for both parties through their advisors. This means that the complainant does not want to submit themselves to the questioning by the advisor of the respondent, then they have a choice to make cause if they don't go through with it, then they are not allowed to consider anything the complainant has said. This not only includes material from the hearing, but anything they have said about their case. This is similar to the respondent. They have not yet had a case at Loyola that has triggered this process. At the end of the hearing, a decision is made by the hearing board or administrator that will result in responsible or not responsible for any accusation that is at hand. When it comes to sanctioning, it depends on the case. In a student-on-student Title IX case, the sanctioning will be done by the hearing board which will be made up of staff from OSCCR. In the case of a report against a respondent who is a faculty member or staff member the process looks different to take into account the rights they have under their employment contracts. It was hard to merge together these legal grounds and structures into one process that could work across the university and campus. The same is true for the appeal process depending on who the respondent is. The OEC is committed that their response is equitable and impartial, that their investigations are thorough and as prompt as they reasonably can be and believe that our ability to continue to steward this work and address these cases has not been changed with the new rules.
6. Final Takeaways
    - a. The OEC is one part of the University's response/support system for individuals who experience discrimination or sexual misconduct. We rely on partnerships with Dean of Students, Wellness Center, Campus Safety, Office of Diversity, Equity, & Inclusion, partners in Human Resources, Faculty Affairs. It is a shared responsibility to make sure the university is safe and inclusive. The unique role that the OEC has is responding to allegations and formal complaints, investigating cases, responding and ensuring that the University overall is compliant with the law.
    - b. The University is committed to meeting or exceeding the requirements for compliance with Title IX and other equity based laws in responding to allegations. All of the work that we do that we are first compliant with the law.
    - c. Where the University retains discretion for addressing discrimination and sexual misconduct, our mission and values drive our policies and procedures. What is driving us is our mission and our values. We are always open to feedback and are looking to constantly improve.
    - d. The OEC is committed to open communication about these processes and welcomes any opportunity to provide clear, personalized guidance for students, faculty, or staff. The law and rules can be confusing. It is complicated stuff and it is nuanced. They try to make it accessible for anyone who needs it. They want to make sure that people know that the OEC exists and that the University's response is fair and just.
  7. Questions
    - a. Senator Doyle asked that with the live hearings, it can be triggering experience with survivors so what is the OEC doing as far as preventative measures so that there is not any inappropriate behavior.
      - i. Tim Love stated that something that they are doing is that they have created a policy about advisors and about the conduct/expectations of advisors. Advisors are required under the law.

Every person involved in a Title IX Sexual Harassment Grievance Process has a right to an advisor of their choice. It can be a lawyer, a family friend, a student, etc. It is the Advisor who does the questioning during the cross-examination on behalf of their student. It also depends on who the Advisor is. These are awkward and traumatic experiences and we recognize that. Something we have done is that the regulatory law is not clear on how the cross-examination process has to happen. They do leave open the ability that the universities can put in place rules for decorum, which we have done. They are also developing guidelines to share with people before and at hearings as well. They don't allow the Advisor to directly cross-examine the student. They have to propose it to the Hearing Board and then the Hearing Board decides whether or not the question will be accepted. For example, the question is irrelevant or if it is about their prior sexual history. They will be doing that intermediary role to ensure that this process is fair and sensitive to the emotions at play in the room. They also have the right to exclude the advisor if they overstep their boundaries a couple of times. We would make sure that person gets another advisor and make sure that their rights are still upheld.

- b. VP Flores stated that he knows that he is involved with the Anti-Racism Initiative specifically looking at cases that do not violate the law regarding discrimination, but you are one of the coordinators to revisit them.
  - i. Tim Love stated that he is actually not one of the primary point people in that initiative. He is absolutely in support and does support the initiative in any way he can be of service. This comes to resolution of their complaints. How to get the pipeline out there, making sure people are aware of the options and resources available to them, that there is nothing keeping people from making reports. He has asked to be a support person in the area of reviewing the procedures of the University's response to allegations and complaints. The first step of that group is that they are doing an assessment and collection of all of the protocols and policies.
- c. Senator Richards asked that in the event of a case being reported, what the survivor wants out of the process may be different than the Title IX policy so what Loyola's commitment is to what the survivor wants.
  - i. Tim Love stated that we take the desires of the affected party is all about them being empowered and have access to resources and information. They can help get them in contact with clinics, the Wellness Center, law enforcement, tell faculty members that the student is dealing with something, etc. We are not going to do that if they don't want us to. They have a lot of voice to what they want to do. We don't try to push a formal complaint on anybody. The only exception is if the circumstances of what has been reported is so severe that it may cause danger to the rest of the university community. The University must take action even when the complainant does not want to out of the safety for the rest of the university community.
  - ii. Laura Buchs stated that it is so important that we distinguish between a report and a complaint.
- d. Senator Mallory stated that some survivors of sexual misconduct have gone through the process and there was not a linear way to get there which is very overwhelming, and she asked what the central department or organization is to reach out to these reoccurrences of sharing their trauma.
  - i. Tim Love stated the OEC. There are other offices that are available that serve different and unique purposes. If you come to their office, they will get you what you need. With that said, folks may feel more comfortable going to the Wellness Center or Dean of Students. The Wellness Center is another great option for resources and to talk through the experience. The staff is also well versed in the process of the OEC as well.
- e. Senator Bronec asked what the plans are to educate folks on the OEC and Maxient system even with this time of COVID-19.
  - i. Tim Love stated that he will always take ideas. We have spent a lot of time over the summer on policy revision. They will be presenting to a variety of groups to make sure folks get more clarity. They also sent out campus wide communication across the university informing them about the changes and directing them to the website. They have also spent a lot of time on the website. Their goal is to make the essential information readily available.

### III. Approval of the Minutes

- A. No Amendments Made
- B. Minutes are approved at 6:01 PM

### IV. Reports

- A. Advisors
  - 1. Chaplain (**Fr. Michael Christiana**)
    - a. None at this time.
  - 2. Advisor (**Dean Manzano/Rodriguez**)
    - a. Dean Manzano stated that the HEERS applications will open this week. The wellness fair virtual conference is next week.

### V. Unfinished Business

A. State of the Student Body

1. Speaker O'Brien stated that this is an event we brought back last year to inform the student body about our work.
2. Senator Doyle stated that the essential question she presented was about whether or not it would be wise to hold an event like this or if we should create a platform. If we decide at the time will be better spent, what would be our solution?
3. Senator Robbins stated but he believes that we are the Voice of the student body, we should go forth with this event. Especially with COVID-19, it is important to remind people that we are still here. We can show what we are doing to address the issues we are dealing with today.
4. Senator Thilges stated that it is important that we have some opportunity to inform the students for the sake of transparency, but we should also set the tone considering the issues.
5. Senator Pittman stated that for the sake of transparency, is important to put out what we are doing.
6. Senator Carberry stated that she agrees with the transparency. As for sharing what we are doing right now, as in terms of the structure of the event, we can change that a lot this year with the COVID-19 situation. We can center more around Instagram posts and more tech space and something like a zoom call.
7. Senator Bronec stated that in our initial conversations this does seem tone deaf to have a state of the student body right now in the way we have done in the past. She does hear people on how this could look different. It could be a webinar or zoom call. How will we connect with the students in a meeting before way to give essential updates?
8. Senator Doyle stated that for some contacts, last year we had a few folks present and then a q/a session. We also talked about our organizational goals. In response to Senator Carberry and doing something more focused on social media, sometimes when we are bombarded with information it can be overwhelming. We can do a recorded video as well that is targeted to certain topics and share that on social media.
9. AZO Esparza stated that there are a lot of ideas on this with social media. The communications team is meeting with President Drescher and VP Flores to see how the organizational goals will look like on social media. If we do you want to do a state of the student body online, an idea is still a brief info session and then do breakout rooms. People can be asked to do polls and then we section off based on the response. If you want to have more of a dialogue, we can also send invites to people.
10. Senator Riopedre stated that it would be great to reach out to the students as much as we can and ask their opinions are on this event. She was a part of a webinar where they could go to different breakout rooms depending on what they were interested in and that worked great.
11. Senator Slonaker stated that she liked Senator Doyle's video idea in regards of a legislation and org goals that they can still access materials and then send those materials different organizations. We should do a state of the student body but give a platform to organizations to talk about what is going on at Loyola at-large, so they also have a voice.
12. President Drescher stated that we want to be openly communicating with the student body and hearing the concerns about it being tone deaf. We want to be vocal about our priorities and targeting the issues important to students by using our avenues in a matter of accountability to ourselves throughout the year. This way people know what they will be looking for from us throughout the year. In terms of last year's targeting outrage, there were invites sent to administration and student organizations. We have a list of contact directories of everyone we try to reach out to. In general, the consensus is yes, we want to do something. Anyone interested in the planning of this can discuss more with communications. Also, something to consider is a small working group.
13. Senator Doyle stated that following Drescher's point this will be a helpful conversation to continue in Committee meetings. If the consensus is to move forward with this, we can also engage internally and get newer centers involved as well. We can come back as cabinet and Exec work off the floor.
14. CCO Carfagno stated that he was thinking about state of the student body as a celebratory event. While we are doing great work, the world around us is difficult. In terms of a webinar, from his experience it is difficult to engage with students. This is a great way to utilize relationships with committees and with the organization.
15. Senator Bronec stated that she wanted to raise what Senate is about. It is to bounce ideas, so never feel that you cannot share or bring it up. It is important to have these conversations in the space.

VI. New Business & Discussion

A. Organizational Goals (**President Drescher & Speaker O'Brien**)

1. President Drescher stated that this document will be sent out with minutes for much deeper review. We want to make sure it is representative of the work you put forward at the retreat. This document is meant to be very thorough. We want it to exist on our website for folks to reference. We will work with Comms to make it much more marketable and get it to one sheet. This is meant to be descriptive for internal use and archiving purposes. We wanted to show the information on here that is broken up by the Values. The priorities are meant to be the outward facing elements of this document. The initiatives are the areas that will be changing the most. Folks are going to start on those and then hit a roadblock, so maybe shift over to another one, etc. We have condensed to 2-3 initiatives per priority. The initiatives chosen were done by

compiling your up-votes from retreat, feasible in a virtual world, and sensible to today's environment. Following minutes on Thursday, please read through it.

2. VP Flores stated that regarding sharing with friends and family that language, content, and organization could change. This is truly a draft copy. This is not the kind of thing to put on social media right now, that time will come later.
3. President Drescher went through the document.

## VII. Internal Reports

### A. Legislative Branch

1. Standing Committees
  - a. Academic Affairs (**Senator Palmer**)
    - i. Senator Palmer stated that everything is in report.
  - b. Allocations (**Senator Doyle**)
    - i. Senator Doyle stated that everything is in report. They will be having office hours next week.
  - c. Facilities & Transportation (**Senator Khan**)
    - i. Senator Khan stated that everything is in report.
  - d. Justice (**Senator Bronec**)
    - i. Senator Bronec stated that the food system legislation is on October 6<sup>th</sup>. She also sits on an external COVID-19, this Friday they have Student Feedback on the agenda. If you have any feedback, please let her know.
  - e. Residents, Commuters, & Dining (**Senator Caputo**)
    - i. Senator Caputo stated that everything is in report.
  - f. Safety & Wellness (**Senator Rafiq**)
    - i. Senator Rafiq stated that everything is in the report. The Wellness Fair Virtual Conference is next week.

### B. Judicial Branch (**Chief Justice Mooney**)

1. CJ Mooney stated that everything is in the report. Please come to office hours or make an appointment.

### C. Executive Branch

1. President Drescher & Vice President Flores
  - a. President Drescher stated that the application for the Investment Policy Student Representative to the Board of Trustees is now live. It is listed on social media. This is a huge deal for us and it has been years and years of work. They are looking for folks that are interested in investment policy and they are also adding the lens of sustainability.
  - b. VP Flores stated that the Attorney General application is also live till the end of the week. They are hoping to have a decision by next Senate.
  - c. President Drescher stated that the statement she is releasing on the Undergraduate Admissions was on hold in terms of coordination with BCC. They expect that statement will go out within the next week.
  - d. President Drescher stated that there are a lot of civic engagement opportunities available. As stated in previous emails there is an ability to volunteer as a poll worker and please pledge to vote.
  - e. The Jesuit student government alliance (JSGA) is made up of all the presidents of Jesuit student governments in the nation. It is not a legislative body. Sometimes statements are released, they have been released in the past based on various values. Is made to be an advocacy body and coalition of student governments. There may be some upcoming statements and signatures, nothing official yet. Currently a lot of it has to do with civic engagement.
  - f. Department of programming sent an email about a Ted talk like a bench that they are putting on the spot. First Street and speakers it is first come first serve. More information will be sent out with the minutes.
2. CoS Dervishi stated that senators are approved to start reaching out to our RSOs for engagement requirement. Please read the exec report and fill out the When2Meet so she can plan an escape room. She also wants to get committee meetings and office hours on the calendar, so people know when that is happening.
3. ACO Esparza stated that the IPC committee application is open and on social media. The deadline for applying to graduate is October 1. There is an Agape Latte event tonight at seven. National suicide prevention month is coming to an end, please keep taking care of yourselves.
4. CCO Carfagno stated that CoS Dervishi and himself are putting together a professional contact list that stemmed from a conversation at retreat. He also met with the VP of a SGAC and a chairperson of the PR & marketing committee. He's excited to work with them including having them come to a community building events and having an SGLC/SG AC event. He is also working with the athletics department a possible partnership.

## VIII. Adjourn

- A. Meeting adjourned at 7:00 PM