

Sexual Misconduct – Safety and Response

External Policy

Objective:

In order to adequately ensure a fun social environment, we must first impart a safe social environment. The brothers of FIJI's Chi Upsilon chapter take instances of sexual misconduct, including harassment and assault, very seriously. Ultimately, we want our friends and guests to know that they have the right to feel safe in our home and at our events. Therefore, we have devised this policy to outline various preventative measures, as well as consequences for engaging in sexual misconduct.

Sexual Misconduct Defined:

Title IV of the University's Policy on Unlawful Discrimination and Sexual Misconduct provides the following definition:

Sexual misconduct encompasses a range of conduct, from sexual assault (a criminal act that the U.S. Department of Education defines as sexual harassment) to conduct such as unwanted touching or persistent unwelcome comments, e-mails, or pictures of an insulting or degrading sexual nature, which may constitute unlawful harassment, depending upon the specific circumstances and context in which the conduct occurs. For example, sexual advances, requests for sexual favors, or sexually-directed remarks or behavior constitute sexual harassment when (i) submission to or rejection of such conduct is made, explicitly or implicitly, a basis for an academic or employment decision, or a term or condition of either; or (ii) such conduct directed against an individual persists despite its rejection.

Education:

In order to promote awareness and ensure a safe environment, FIJI will take the necessary steps to educate all members and pledges about sexual misconduct:

- Every fall quarter, the chapter will meet with a representative from Resources for Sexual Violence Prevention (RSVP) during our regular weekly meeting time. Attendance at this meeting will be required for all brothers. Failure to attend will result in a fine.
- Every new pledge class will meet with a representative from RSVP within 3 weeks of their pledge date. Attendance at this meeting will be required for all pledges.
- In addition, FIJI will collaborate with all FCS signing fraternities to host an annual public seminar aimed at educating the community about sexual violence

Safety Measures:

The following measures have been put into place to ensure a safe environment for our guests:

- All brothers and pledges of the fraternity are responsible for creating a safe social environment. Members are not only responsible for their own actions, but also have an obligation to act in response to any misconduct. If any member of the chapter is witness to a situation involving blatantly non-consensual conduct or the beginnings of any sort of non-consensual sexual activity, they are expected to intervene. Failure to do so will subject members to judicial review. All confirmed or suspected incidents of sexual misconduct are to be reported immediately to the Chapter President.
- At any large function, sponsored by the fraternity and formally hosted on our premises (5615 S. University Ave.), where any non-members are present, there will be at least four brothers designated as party monitors. This group must include the Chapter President, or, in his absence, another member of the executive committee. Party monitors must be ready, willing and able to address the concerns of guests and respond in the event of an emergency. Party monitors must be recognizable by similar dress.
- At any such function, the chapter will publically display, near the event entrance, both this policy and the FCS agreement signed by every member fraternity.
- At any such function, guests will be required to show their UCID or relevant identification prior to entering.
- At any such function, water will be readily accessible via large, orange coolers that are to be sealed and clearly labeled. Should the event take place on multiple floors, there must be a minimum of one cooler per active floor. Moreover, at any event, there will be a minimum of two accessible coolers.
- At any such function, if food and/or beverage is provided, they are to be served in front of guests. Moreover, unattended or abandoned food or beverages are to be discarded by party monitors.

Response:

The Judicial Board of the chapter has ruled, “cases involving the abuse, assault, or harassment of women will not be tolerated and will not follow the normal escalation ladder. Such cases will incur more serious penalties. The Judicial Board reminds brothers that women are to be respected at all times, no matter the circumstances.”

Therefore, Fiji has chosen to institute a strict policy for instances of sexual misconduct. As the normal escalation ladder of punishment (warning → probation → suspension) is thrown out in such cases, formal warnings will never be given in instances where brothers are found to be guilty of sexual misconduct. Probation is the lowest possible punishment in these cases.

Firstly, any individual(s) suspected or accused of sexual misconduct will be temporarily suspended from all chapter activity while the incident is investigated. Suspension entails a revocation of all privileges including: all FIJI events, meetings, and other privileges. In the most severe cases, should the individual(s) live in the chapter house, the chapter may request that he move out of the house for the duration of all investigations.

Every case involving sexual misconduct will be brought to the Judicial Board, who will investigate and deliberate over the incident. When a verdict is determined, the individual(s) will be taken off of temporary suspension and carry out the associated punishment. If the individual(s) is determined to be innocent, then no punishment will be handed down. If the individual(s) is determined to be guilty, then the board will hand down a punishment of **at least** probation.

If the University of Chicago or any legal authority opens an investigation against the individual(s), and the fraternity becomes aware that such investigations are taking place, then this will trump the Judicial Board investigation. In such instances, the individual(s) in question will remain on temporary suspension until all of their cases have been closed. At the conclusion of such cases, the Judicial Board can hand out punishments in a manner similar to what is outlined above.

Furthermore, any time that a Fiji brother is found to be guilty (by the University or in a court of law) of sexual assault or unwanted/non-consensual sexual penetration of another person, he will be indefinitely suspended, FIJI International will be contacted, and steps will be taken to expel him from the fraternity. If the brother lives in the house at the time of his expulsion, his lease contract will be voided per the language in the contract, and he will be forced to move out.

Resources:

Chi Upsilon chapter contacts:

- **Michael Hinkley**, Chapter President, 760-505-2258
- **Clyde Anderson**, Risk Management, 773-742-7117
- **Prestin Barnett**, Risk Management, 916-224-8031
- **Mac Schmidt**, Sexual Assault Awareness, 651-955-6160

Other Resources

- **Shea Wolfe**, Deputy Title IX Coordinator for Students: 773-702-0438
- **Sexual Assault Dean-on-Call**, 773-834-4357
- **Resources for Sexual Violence Prevention**: 773-834-7738