



Sexual Harassment Policy

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Contents

I.	Policy Statement	4
II.	Scope	4
III.	Definitions	5
IV.	Understanding Hostile Environment Sexual Harassment.....	7
V.	Understanding Consent and Incapacitation.....	8
A.	Consent.....	8
B.	Incapacitation	8
VI.	Reporting Sexual Harassment & Amnesty	9
VII.	Special Guidance for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking	12
VIII.	Preliminary Assessment.....	15
IX.	Contacting the Complainant.....	15
X.	Supportive Measures	15
XI.	Interim Removal	16
XII.	Formal Complaint.....	16
XIII.	Dismissal Prior to Commencement of Investigation	17
XIV.	Notice of Formal Complaint.....	18
XV.	Investigation	18
A.	Commencement and Timing	18
B.	Equal Opportunity	18
C.	Documentation of Investigation	19
D.	Access to the Evidence	19
E.	Investigation Report	19
XVI.	Adjudication Process Selection	20
XVII.	Adjudication.....	20
XVIII.	Dismissal During Investigation or Adjudication.....	28
XIX.	Appeal	29
XX.	Advisor of Choice	30
XXI.	Treatment Records and Other Privileged Information	30
XXII.	Sexual History	31
XXIII.	Presumption of Non-Responsibility	31
XXIV.	Resources	31
XXV.	Conflicts of Interest, Bias, and Procedural Complaints	31

XXVI.	Objections Generally	32
XXVII.	Academic Freedom	32
XXVIII.	Relationship With Criminal Process	32
XXIX.	Recordings	32
XXX.	Vendors, Contractors and Third Parties	32
XXXI.	Bad Faith Complaints and False Information	33
XXXII.	Retaliation	33
XXXIII.	Confidentiality.....	33
XXXIV.	Other Violations of this Policy.....	34
XXXV.	Signatures and Form of Consent	34
XXXVI.	Deadlines, Time, Notices, and Method of Transmittal.....	34
XXXVII.	Other Forms of Discrimination.....	35
XXXVIII.	Education	35
XXXIX.	Outside Appointments, Dual Appointments, and Delegations.....	36
XL.	Training	36
XLI.	Recordkeeping	36
XLII.	Discretion in Application.....	36

I. Policy Statement

Consistent with the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX"), the Toyota Technological Institute at Chicago ("TTIC") prohibits Sexual Harassment that occurs within its education programs and activities.

As further defined herein, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty members, staff, students, contractors, guests, and other members of the TTIC community who commit Sexual Harassment are subject to the full range of TTIC discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (i.e., termination or dismissal); physical restriction from TTIC property; and cancellation of contracts.

TTIC will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to TTIC's education programs and activities.

II. Scope

This policy applies to Sexual Harassment that occurs within TTIC's Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the TTIC community.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of TTIC's Education Programs and Activities; such sexual misconduct may be prohibited by the Student Handbook if committed by a student, the Faculty Handbook if committed by a faculty member, the Administrative Handbook if committed by an administrator, or other TTIC policies and standards if committed by an employee. This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are governed by TTIC's Discrimination, Harassment and Abusive Behavior Policy.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in TTIC's Education Programs and Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Handbook if committed by a student, the Faculty Handbook if committed by a faculty member, the Administrative Handbook if committed by an administrator, or other TTIC policies and standards if committed by an employee.

III. Definitions

- A. “Sexual Harassment” is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.
- B. “Quid Pro Quo Sexual Harassment” is an employee of TTIC conditioning the provision of an aid, benefit, or service of TTIC on an individual’s participation in unwelcome sexual contact.
- C. “Hostile Environment Sexual Harassment” is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to TTIC’s education programs and activities.
- D. “Sexual Assault” includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.¹
 - 1. “Rape” is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is “carnal knowledge” if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
 - 2. “Sodomy” is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - 3. “Sexual Assault with an Object” is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
 - 4. “Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

¹ TTIC’s definition of “Sexual Assault” is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require TTIC to adopt a definition of “Sexual Assault” that incorporates various forcible and non-forcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

5. "Incest" is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
 6. "Statutory Rape" is sexual intercourse with a person who is under the statutory age of consent as defined by Illinois law.
- E.** "Domestic Violence" is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Illinois.
- F.** "Dating Violence" is violence committed by a person –
1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.
- G.** "Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for their safety or the safety of others; or
 - Suffer substantial emotional distress.
- H.** "Consent" is freely given agreement to sexual activity.
- I.** "Incapacitated" refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.
- J.** "Retaliation" is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- K.** "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
- L.** "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- M.** "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that TTIC investigate the allegation of Sexual Harassment in accordance with this policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in TTIC's

education programs and activities. A “document filed by a Complainant” means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

- N. “Supportive Measures” are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to TTIC’s Education Programs and Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or TTIC’s education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or leaves of absence, increased security and monitoring of certain areas of campus, changes in transportation, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.
- O. “Education Programs and Activities” refers to all the operations of TTIC, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by TTIC. It also includes off-campus locations, events, or circumstances over which TTIC exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs.

IV. Understanding Hostile Environment Sexual Harassment

In determining whether a hostile environment exists, TTIC will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. TTIC will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant’s position. A person’s adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters

- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes

V. Understanding Consent and Incapacitation

A. Consent

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. As defined above, consent is freely given agreement to sexual activity. Consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through manipulation, force or coercion of any kind, and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal "no" constitutes lack of consent, even if it sounds insincere or indecisive.

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: impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary mental or physical disability, being below the age of consent, being asleep, and being unconscious are factors which detract from or make consent impossible.

Silence or an absence of verbal or physical resistance or submission resulting from use or threat of force does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop. Also, a person's manner of dress does not constitute consent; consent to past sexual activity does not constitute consent to future sexual activity.

B. Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the "who, what, where, when, why or how" of the sexual interaction) and/or is physically or mentally helpless. An individual

is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One's own intoxication is not an excuse for failure to recognize another person's incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

VI. Reporting Sexual Harassment & Amnesty

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made by Complainants, third parties, witnesses, or bystanders, and may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The name and contact information for the Title IX Coordinator is:

Amy Minick
Human Resources & International Office Director & Title IX Coordinator
6045 S. Kenwood Ave.
Chicago, Illinois 60637
Phone: 773-702-5033
Email: aminick@ttic.edu

The name and contact information for the Deputy Title IX Coordinator is:

Christina Coleman
Administrative Director of Graduate Studies, Deputy Title IX Coordinator
6045 S. Kenwood Ave.
Chicago, Illinois 60637

Phone: 773-834-2216
Email: ccoleman@ttic.edu

In addition to reporting to the Title IX Coordinator, any person may report Sexual Harassment to any TTIC tenure-track faculty, instructors, or advisors (including TAs) and all administrative staff (collectively “Reporting Officials”), who must promptly forward such report of Sexual Harassment to the Title IX Coordinator.

TTIC employees who are not Reporting Officials or Confidential Advisors are encouraged, but are not required to, forward reports of Sexual Harassment to the Title IX Coordinator.

TTIC encourages members of TTIC Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

- Individuals, including third parties and bystanders, can submit a report of Sexual Harassment electronically by completing the form found at: <http://ttic.edu/complaintform>. Electronic reports made through TTIC’s webpage can be submitted anonymously.
- Upon filing an electronic report, the electronic reporter (if not anonymous) will receive an electronic response within 12 hours. These reports will be sent to the Title IX Coordinator who will make every effort to respond or take other corrective action, but TTIC’s ability to respond or take corrective action following an anonymous report may be limited. This reporting mechanism is not a substitute for the obligations of those Officials with Authority, except for the confidential resources identified, to make a report as described above.
- Individuals wishing to obtain confidential assistance without making a report to TTIC may speak with one of TTIC’s Confidential Advisors. Confidential advisors are available to discuss incidents or accusations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking with both Complainants and Respondents in confidence, and provide emotional support in a safe and confidential space. Confidential advisors generally only report to TTIC that an incident is alleged to have occurred without revealing any personally identifying information. Disclosures to Confidential Advisors **will not** trigger TTIC’s investigation into an incident.

In addition to providing confidential counseling, Confidential Advisors also provide emergency and ongoing support to individuals who have experienced or been accused of Sexual Assault, Dating Violence, Domestic Violence, or Stalking including:

- Providing information regarding the individual’s reporting options and possible outcomes, including making a report or a Formal Complaint under this Policy and notifying local law enforcement;
- Providing information about available resources and services, including but not limited to services available on campus and through community-based resources

such as sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;

- Providing information regarding orders of protection, no contact orders or similar lawful orders issued by TTIC or a criminal or civil court;
- An explanation of the individual's right to have privileged, confidential communications with the Confidential Advisor consistent with applicable law;
- Upon request and as appropriate, providing assistance in contacting campus officials, community-based sexual assault crisis centers, campus security, and/or local law enforcement; and/or
- Upon request, providing assistance with securing Supportive Measures and accommodations.

A. Confidential Advisor Contact Information

All confidential resources listed below provide 24-hour (7 days/week) crisis counseling and information regarding sexual assault, dating violence and stalking. Survivors and friends of survivors can call. These resources can also provide information on local hospitals, such as what hospitals will have a victim advocate or Sexual Assault Nurse Examiner (SANE) available.

[Resilience](#)

TTIC has partnered with Resilience to provide TTIC students with 24/7 access to a Confidential Advisor who can provide victims with information on both TTIC- and community-based resources and immediate referrals. It also provides long-term information on the rights of victims and TTIC's responsibilities regarding interim and long-term accommodations, orders of protection, no-contact orders, and other similar court orders. Resilience also provides medical and legal advocacy, and counseling services (individual and group). Services are free for survivors or friends/partners of survivors.

For 24-hour assistance, call (773) 907-1062

The following hotlines provide general services to Chicago metro residents, and are not affiliated with TTIC:

- **Chicago Metro Rape Crisis Hotline** — Immediate and long-term referrals, information, and counseling. (888) 293-2080
- **LGBTQ Anti-Violence Project Hotline at the Center on Halsted** — Information, counseling, and referrals. (773) 871-2273
- **Mayor's Office for Domestic Violence** — Information and referrals. (877) 863-6338

The following off-campus agencies also employ individuals available to assist members of the TTIC community with issues relating to Sexual Assault, Dating Violence, Domestic Violence, or Stalking in confidence. Disclosures to these entities **will not** trigger TTIC's investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.

- **National Sexual Assault Telephone Hotline** — 800-656-HOPE (4673)
- **State of Illinois Domestic Violence Hotline** — 877-863-6338
- **Chicago Women’s Health Center** – Gynecological care and counseling. (773) 935-6126, <http://www.chicagowomenshealthcenter.org>
- **YWCA Laura Parks and Mildred Francis Center** — Sexual violence counseling, rape crisis hotlines, education & training, medical and legal Services.
- (773) 955-3100, <http://www.ywcachicago.org>
- **Porchlight Counseling Services** — Free counseling for survivors of sexual and/or domestic/dating violence. (773) 750-7077
<http://www.porchlightcounseling.org/>
- **Life Span Center for Legal Services and Advocacy** —Advocacy for victims, assistance with orders of protection. (312) 408-1210, <http://life-span.org/>
- **Center on Halsted** — Services for the LGBTQ community. (773) 472-6469, <http://www.centeronhalsted.org>
- **Chicago Bar Association** — Legal referrals. (312) 554-2000, <http://www.chicagobar.org>

B. Amnesty

TTIC recognizes that students who have consumed alcohol when they are not 21 years of age or who have been using illegal drugs may be hesitant to report Sexual Harassment perpetrated against them or others. To encourage reporting, TTIC offers amnesty to any student who reports, in good faith, an alleged violation of this Policy involving Sexual Assault, Dating Violence, Domestic Violence, or Stalking directed at them or another person. A student who makes such a report will not be subject to disciplinary action by TTIC for a violation of TTIC’s Student Handbook, such as underage drinking or possession or use of a controlled substance, that is related to or revealed in the course of the Sexual Harassment report or investigation, unless TTIC determines that the violation was serious and/or endangered the health or well-being of any other individual. However, TTIC reserves the right to require counseling, education, or other preventative measures to help prevent alcohol or drug violations in the future. TTIC’s commitment to amnesty in these situations does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs.

VII. Special Guidance for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, TTIC recommends the following:

- Get to a safe place as soon as possible.

- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding where the assault occurred; preserve for law enforcement
- Preserve all forms of electronic communication that occurred before, during, or after the assault
- Contact law enforcement by calling 911.
- Get medical attention - all medical injuries are not immediately apparent. This is also necessary to collect evidence in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor or resident health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.
- Explore this policy and avenues for resolution.
- Options to pursue a complaint with either TTIC or law enforcement or not to pursue a complaint to either.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- Obtaining Supportive Measures
- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Filing a Formal Complaint
- Requesting that no further action be taken

Upon receiving a report of an incident of Sexual Harassment prohibited under this policy, TTIC will provide the Complainant with a written document (separate from this policy) listing, in plain, concise language, the Complainant’s available rights, options and resources, as well as a description of TTIC’s procedures for investigating and resolving the report. TTIC will also provide the Respondent with a written document (separate from this policy) listing, in plain and concise language, the Respondent’s available rights, options and resources, as well as a description of TTIC’s procedures for investigating and resolving the report, which is available at <https://ttic.edu/sexual-misconduct/>.

For more information regarding the option to pursue a criminal complaint, contact:

- [University of Chicago Police Department](#) – (773) 702-8181 or 1-2-3 from a campus phone (24-hours)

The University of Chicago Police Department (UCPD) urges anyone who has been sexually assaulted to call immediately in order to strengthen the likelihood of successful prosecution. A UCPD officer can be summoned by calling (773) 702-8181, pressing the red button on any of the emergency phones located throughout the community, or going directly to the UCPD office at 6054 South Drexel Avenue.

The UCPD recommends the prompt reporting of sexual assault, domestic violence, dating violence, and stalking. Nevertheless, individuals should not be reluctant to file a report at a later date. Reporting an incident does not obligate a person to press charges.

Responsibilities of the UCPD include:

- Attending to the immediate needs of the victim, including personal safety and prompt medical care.
- When appropriate, broadcasting a description of the offender.
- Providing victims with information concerning the importance of preserving evidence.

Individuals may also file a criminal complaint with:

- [Chicago Police Department](#) — 9-1-1 (24-hours)

Anyone preferring not to report a matter to the University of Chicago Police Department may contact the Chicago Police Department.

For more information regarding receiving medical assistance, dial 9-1-1 from any phone. In addition, please consider the closest hospital to TTIC:

- [University of Chicago Medicine's Mitchell Emergency Room](#) (accessible 24 hours/day) — (888) 824-0200, 5815 S. Maryland Ave, Chicago, IL 60637

The Mitchell Emergency Room follows specific policies and procedures, approved by the State of Illinois, in treating an individual who has been sexually assaulted. The State will pay for emergency room care for victims who have been sexually assaulted and do not have health insurance; if a victim provides health insurance information to the emergency room, the emergency room will bill the insurance company and the policy holder will be notified as usual. The victim is placed in a private room. Medical care is given as soon as possible.

A Sexual Assault Survivor Advocate or a Sexual Assault Dean-on-Call (for a student) may be called based on a victim's preferences.

By law, Chicago police are notified, and the victim may choose to file a report.

Under Illinois law, medical personnel are required to alert police when it reasonably appears that the person requesting treatment has sustained an injury as a victim of a criminal offense, including sexual assault or violence, but individuals have the right to refuse to speak to police.

VIII. Preliminary Assessment

Upon receipt of a report made pursuant to Section VI, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of the policy specified in Section II; and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”). The Title IX Coordinator may refer the report to other TTIC offices, as appropriate, including but not limited to referral for a potential violation of the Discrimination, Harassment, and Abusive Behavior Policy.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant as specified in Section IX.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

IX. Contacting the Complainant

If a report is not closed as a result of the preliminary assessment specified in Section VIII and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures specified in Section X; to discuss and consider the Complainant’s wishes with respect to such Supportive Measures; to inform the Complainant of the availability of such Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

X. Supportive Measures

If a report is not closed as a result of the preliminary assessment specified in Section VIII, TTIC will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and TTIC will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. TTIC will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures. The Title IX Coordinator will provide the Complainant and Respondent with a written document (separate from this policy) listing available rights, options, and resources, including Supporting Measures, and describing TTIC's Sexual Harassment Complaint Investigation and Resolution Procedures in plain, concise language, which is available at: <https://ttic.edu/your-rights/>.

TTIC will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair TTIC's ability to provide the Supportive Measures in question.

XI. Interim Removal

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from TTIC's education programs and activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, TTIC may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process specified in Sections XVI and XVIII.

For all other Respondents, including independent contractors and guests, TTIC retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

XII. Formal Complaint

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that TTIC investigate and adjudicate a report of Sexual Harassment in accordance with the provisions of Sections XVI and XVIII. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of TTIC's education programs or activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Section VI above. No person may submit a Formal Complaint on the Complainant's behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of TTIC if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the TTIC Community. Factors the Title IX Coordinator may consider include (but are not limited to): (a) if a weapon was involved in the incident; (b) if multiple assailants were involved in the incident; (c) if the accused is a repeat offender; and (d) if the incident creates a risk of occurring again.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then TTIC will commence an investigation as specified in Section XVI and proceed to adjudicate the matter as specified in Section XVIII. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

1. Consolidation of Formal Complaints

TTIC may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

XIII. Dismissal Prior to Commencement of Investigation

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in Section II (i.e., because the alleged conduct did not occur in TTIC's Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section XIV, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in Section XX. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other TTIC offices, as appropriate, including but not limited to referral for a potential violation of TTIC's Discrimination, Harassment and Abusive Behavior policy. A dismissal

pursuant to this Section XIV is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

XIV. Notice of Formal Complaint

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in Section XXI.
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in Section XVI.D.
- Notifying the Complainant and Respondent of TTIC's prohibitions on false statements and retaliation specified in Sections XXXIII and XXXIV.
- Information about resources that are available on campus and in the community.

Should TTIC elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, TTIC will provide a supplemental written notice describing the additional allegations to be investigated.

XV. Investigation

A. Commencement and Timing

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with TTIC and not with the parties. The investigation will culminate in a written investigation report, specified in Section XVI.E, that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, TTIC strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of Formal Complaint.

B. Equal Opportunity

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in Section XXIII. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

C. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recordings, video record, or transcriptions. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator at the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

D. Access to the Evidence

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence TTIC may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

E. Investigation Report

After the period for the parties to provide any written response as specified in Section XVI.D has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the

investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

XVI. Adjudication Process Selection

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in Section XVIII. The notice will explain that the hearing process specified in Section XVIII.A is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in Section XVIII.B as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy (including the entirety of Section XVIII), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this Section XVII to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

XVII. Adjudication

A. Hearing Process

The default process for adjudicating Formal Complaints is the hearing process specified in this Section XVIII.A. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified in Section XVII above.

1. Hearing Officer

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in Section XVI.D.

2. Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the

investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of TTIC's Sexual Harassment Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section XVIII.A.2.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in Section XXIII, or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to TTIC's Sexual Harassment Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that TTIC provide an advisor for purposes of conducting questioning as specified in Section XVIII.A.5.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

3. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary TTIC personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

At the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

4. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any TTIC employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

TTIC will not issue a notice of attendance to any witness who is not an employee or a student.

5. Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to TTIC's Sexual Harassment Hearing Procedures. The audio and/or video recording or transcription of the hearing will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary TTIC personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. Neither party will be compelled to testify in the physical presence of the other party.

At the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the hearing procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary TTIC personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete. To clarify, the parties will not be permitted to question the other party directly.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to Section XIII.D.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section XVIII.A.5, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section XVIII.A.5 are met.

6. Subjection to Questioning

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness,

as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this Section XVIII.A.6, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

7. Deliberation and Determination

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of Section XVIII.A.6. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

8. Discipline and Remedies

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate TTIC official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

9. Written Decision

After reaching a determination and consulting with the appropriate TTIC official and Title IX Coordinator as required by Section XVIII.A.8, the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by TTIC upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to

gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.

- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate TTIC official as referenced in Section XVIII.A.8;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of TTIC's process and grounds for appeal, as specified in Section XX.

The hearing officer's written determination, which will include information regarding appeal rights will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in Section XX.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, TTIC strives to issue the hearing officer's written determination within seven (7) days of the conclusion of the hearing.

B. Informal Resolution

At any time after the parties are provided written notice of the Formal Complaint as specified in Section XV, and before the completion of any appeal specified in Section XX, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in Section XVIII.B is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another TTIC official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and

- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by TTIC, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to TTIC. Notwithstanding the foregoing if the form of informal resolution is Administrative Adjudication as specified in Section XVIII.B, there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in Section XVIII.B, all other forms of informal resolution pursuant to this Section XXIV are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

1. Administrative Adjudication (Optional)

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator. At any time prior to the issuance of the administrative officer's determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified in Section XVIII.A.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in Section XVI.D.

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in Section XXIII, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively re-evaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a

preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any TTIC official and the Title IX Coordinator, in the manner specified in Section XVIII.A.7 and will prepare and transmit a written decision in the manner as specified in Section XVIII.A.8 which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, TTIC strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section XVIII.B.

XVIII. Dismissal During Investigation or Adjudication

TTIC shall dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in Section II (i.e., because the alleged conduct did not occur in TTIC's Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

TTIC may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by TTIC, as the case may be; or
- Specific circumstances prevent TTIC from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a Formal Complaint pursuant to this Section XIX, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in Section XX. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other TTIC offices, as appropriate. A dismissal pursuant to this Section XIX is presumptively a final

determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

XIX. Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome;
- The sanction is disproportionate with the violation.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to the appeal officer. For respondents who are students or faculty, the appeal officer is the Chief Academic Officer and for respondents who are administrative staff, the appeal officer is the Chief Financial Officer.

The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and

transmit a written decision to the parties within seven (7) days that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, TTIC strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

XX. Advisor of Choice

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in Section XVIII.A.5, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with TTIC about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this Section XXI and Section XVIII.A.5, TTIC may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in Section XVIII.A.5, and requests TTIC to provide an advisor, TTIC will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. TTIC will have sole discretion to select the advisor it provides. The advisor TTIC provides may be, but is not required to be, an attorney.

TTIC is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in Section XVIII.A.5 and requests that TTIC provide an advisor.

XXI. Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the

professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party;
or

- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;

unless TTIC has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section XXII if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

XXII. Sexual History

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section XXIII for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section XXIII.

XXIII. Presumption of Non-Responsibility

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

XXIV. Resources

Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through TTIC. TTIC encourages any individual who has questions or concerns to seek support of TTIC identified resources. The Title IX Coordinator is available to provide information about TTIC's policy and procedure and to provide assistance. A list of TTIC resources is available at: <https://www.ttic.edu/resource-guide/>.

XXV. Conflicts of Interest, Bias, and Procedural Complaints

The Title IX Coordinator, investigator, hearing officer, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these TTIC officials has a material conflict of interest or material bias must raise the concern in writing to the Title IX

Coordinator and/or the President as soon as the individual is aware of the material conflict of interest or bias, so that TTIC may evaluate the concern and find a substitute, if appropriate. The parties will be notified of the identities of the decision maker and appeal reviewer for their proceeding before those individual(s) initiate contact with either party. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in Section XX or otherwise.

XXVI. Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that TTIC may evaluate the matter and address it, if appropriate.

XXVII. Academic Freedom

TTIC will construe and apply this policy consistent with the principles of academic freedom specified in the Faculty Handbook. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the principles of academic freedom specified in the Faculty Handbook.

XXVIII. Relationship With Criminal Process

This policy sets forth TTIC's processes for responding to reports and Formal Complaints of Sexual Harassment. TTIC's processes are separate, distinct, and independent of any criminal processes. While TTIC may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, TTIC will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

XXIX. Recordings

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by TTIC and is considered property of TTIC, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only TTIC is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

XXX. Vendors, Contractors and Third Parties

TTIC does business with various vendors, contractors, and other third-parties who are not students or employees of TTIC. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, TTIC retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And TTIC retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

XXXI. Bad Faith Complaints and False Information

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section XXXIII are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Code of Student Conduct in the case of students and other TTIC policies and standards, as applicable, for other persons.

XXXII. Retaliation

It is a violation of this policy to engage in Retaliation. Reports and Formal Complaints of retaliation may be made in the manner specified in Sections VI and XII.

Examples of retaliation, include but are not limited to:

- Forcing or threatening someone to participate or not to participate in the process outlined in this policy;
- Intimidating a witness, party, or other participant to participate or not participate in the process outlined in this policy;
- Coercing someone against their will to submit a report or Formal Complaint.

Any report or Formal Complaint of Retaliation will be processed under this policy in the same manner as a report or Formal Complaint of Sexual Harassment, as the case may be. TTIC retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus. Individuals who engage in Retaliation may be subject to disciplinary action that may include, but is not limited to, the sanctions listed in this Policy, up to and including dismissal or other separation from TTIC.

XXXIII. Confidentiality

TTIC will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. TTIC will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, TTIC may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out TTIC's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding TTIC's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given

access to investigation and adjudication materials in the circumstances specified in this policy.

While TTIC will maintain confidentiality specified in this Section XXXV, TTIC will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

Note that certain types of Sexual Harassment are considered crimes for which TTIC must disclose crime statistics to the Illinois Attorney General pursuant to state law. These disclosures will be made without including personally identifying information.

XXXIV. Other Violations of this Policy

Alleged violations of this policy, other than violations of the prohibitions on Sexual Harassment and Retaliation, will be subject to review under the Student Handbook if committed by a student, the Faculty Handbook if committed by a faculty member, the Administrative Handbook if committed by an administrator, or other TTIC policies and standards if committed by an employee.

XXXV. Signatures and Form of Consent

For purposes of this policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

XXXVI. Deadlines, Time, Notices, and Method of Transmittal

Where this policy specifies a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period;
- Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government;
- Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this policy are subject to modification by TTIC where, in TTIC's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with TTIC's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, administrative officer, appeal officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such a request must state the extension sought and explain what good cause exists for the requested extension. The TTIC officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be at the sole discretion of TTIC.

The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

Where this policy refers to notice being given to parties “simultaneously,” notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will be email using TTIC email addresses.

A party is deemed to have received notice upon transmittal of an email to their TTIC email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of TTIC, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant TTIC officials; approaching holidays or closures; and the number and length of extensions already granted.

XXXVII. Other Forms of Discrimination

This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are governed by TTIC’s Discrimination, Harassment and Abusive Behavior Policy.

XXXVIII. Education

TTIC’s educational programming will comply with the Illinois Preventing Sexual Violence in Higher Education Act and the Violence Against Women Act. Specifically, TTIC offers a variety of training, awareness and prevention programs to help prevent Sexual Harassment within the TTIC community. TTIC strives to ensure that such programming is developed to be culturally relevant; inclusive of diverse communities and identities; sustainable; responsive to community needs; is informed by research or assessed for value, effectiveness, or outcome; and considers environmental risk and protective factors

as they occur on the individual, relationship, institutional, community, and societal levels. Additionally, TTIC provides annual training to any and all employees who have a role in the investigation and resolution of issues related to Sexual Harassment.

XXXIX. Outside Appointments, Dual Appointments, and Delegations

TTIC retains discretion to retain and appoint suitably qualified persons who are not TTIC employees to fulfill any function of TTIC under this policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

TTIC also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given TTIC official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in TTIC's discretion, be delegated by such TTIC official to any suitably qualified individual and such delegation may be recalled by TTIC at any time.

XL. Training

TTIC will ensure that TTIC officials acting under this policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, TTIC provided advisors, and appeals officers receive training in compliance with Title IX and its implementing regulations and the Illinois Preventing Sexual Violence in Higher Education Act any other applicable federal or state law.

XLI. Recordkeeping

TTIC will retain those records specified in Title IX and its implementing regulations for a period of seven years after which point in time they may be destroyed, or continue to be retained, in TTIC's sole discretion. The records specified in Title IX and its implementing regulations will be made available for inspection, and/or published, to the extent required by Title IX and its implementing regulations and consistent with any other applicable federal or state law, including FERPA.

XLII. Discretion in Application

TTIC retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if TTIC's interpretation or application differs from the interpretation of the parties.

Despite TTIC's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case TTIC retains

discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy and the Sexual Harassment Hearing Procedures referenced in Section XVIII.A.5 are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, TTIC retains discretion to revise this policy and the Sexual Harassment Hearing Procedures at any time, and for any reason. TTIC may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

History/Revision Dates

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This policy replaces the Sexual Misconduct Policy, originally published 08/01/2016 and revised 01/01/2018.