



POLICY ON SEXUAL MISCONDUCT

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Policy Statement

Toyota Technological Institute at Chicago (TTIC) prohibits all forms of sexual misconduct, including but not limited to, sexual assault, stalking, dating or domestic violence, and sexual harassment. For the purpose of this policy, sexual harassment includes gender-based discrimination, as well as harassment and discrimination based on sexual orientation or gender identity/presentation. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff and other community members. In furtherance of this policy, TTIC has adopted the following standards of conduct for all members of our community – students, faculty, and staff, as well as TTIC vendors, contractors, visitors, guests, and third parties – with respect to sexual misconduct. These standards apply equally to all regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved.

Reason for Policy/Purpose

TTIC is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sexual misconduct of any form. Our community expects that all interpersonal relationships and interactions – especially those of an intimate nature – will be grounded upon mutual respect, open communication, and clear consent. When learning of conduct or behavior that may not meet these standards, community members are expected take an active role in upholding this policy and promoting the inherent dignity of all individuals.

Who This Policy Applies To

All TTIC community members are subject to this policy including students, faculty and staff, as well as TTIC vendors, contractors, visitors, guests, volunteers, interns, and third parties.

Jurisdictional Statement

TTIC has jurisdiction to investigate any alleged violations of this policy that occur in the context of a TTIC program or activity, or that otherwise affect TTIC's working or learning environment, regardless of whether that conduct occurred on- or off-campus. In situations where the alleged sexual misconduct occurred outside of the context of a TTIC program or activity or off-campus, and where one or more of the parties are not members of the TTIC community, TTIC's ability to investigate and/or impose disciplinary sanctions may be limited. In such instances, TTIC reserves the right to take any steps it deems appropriate to address the situation and provide appropriate resources to those individuals impacted and, where appropriate, the broader TTIC community.

Website Address for This Policy

<http://www.ttic.edu/dl/sexual-misconduct-policy.pdf>

Contacts

If you have any questions about this policy, you may contact:

- Title IX Coordinator, Amy Minick
- Deputy Title IX Coordinator, Chrissy Novak

Policy

The terms and definitions used here are important components of TTIC policy. The definitions are intended to give meaning to these terms in the context of the TTIC community. Criminal and other applicable state laws may use different definitions.

1. Consent

Consent represents the cornerstone of respectful and healthy intimate relationships. TTIC strongly encourages its community members to communicate – openly, honestly and clearly – about their actions, wishes, and intentions when it comes to sexual behavior, and to do so before engaging in intimate conduct. It is always the requirement of the individual initiating sexual contact (or undertaking a new type of sexual activity) to ensure that consent is present before acting and is present during sexual activity.

When determining whether consent was present, TTIC will consider whether a sober, reasonable person in the same position should have known whether the other party could or could not consent to the sexual activity.

- A.** For purposes of this policy, *consent is present when clearly understandable words or actions manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate conduct.*

Consent must be all of the following:

- *Knowing*: Consent must demonstrate that all individuals understand, are aware of, and agree to: the “who” (same partners), the “what” (same acts), the “where” (same location), the “when” (same time), and the “how” (the same way and under the same conditions) of the sexual activity.
- *Active*: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a

date.

- *Voluntary*: Consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).
- *Present and ongoing*: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time – provided the person withdrawing consent makes that known in clearly understandable words or actions.

- B.** Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age (generally 17 in Illinois), physical condition, or disability that impairs the individual’s ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring.

Signs of incapacitation include when an individual demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:

- Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance)
- Lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in sexual interaction)
- Inability to effectively communicate for any reason (for example, slurring speech, difficulty finding words)

A person may appear to be giving consent but may not have the capacity to do so, in which case the apparent consent is not effective. If there is any doubt as to another person’s capacity to give consent, community members should assume that the other person does not have the capacity to give consent.

Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent. Being intoxicated or impaired by drugs or alcohol is never an excuse to commit sexual misconduct.

2. Prohibited Conduct

TTIC prohibits all forms of sexual misconduct. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff and other community members. Therefore, TTIC prohibits the actions listed below. An attempt to commit an act identified in this policy, as well as assisting or willfully encouraging any such act, is also considered a violation of this policy. An act may violate one or more parts of this policy. Community members may also be held responsible for the misconduct of their visitors and guests.

A. Sexual Assault

- *Sexual Penetration without Consent (e.g., rape)*: Any penetration of the sex organs or anus of another person when consent is not present, or any penetration of the mouth of another person with a sex organ when consent is not present.

This includes penetration or intrusion, however slight, of the sex organs or anus of another person by an object or any part of the body, specifically including cunnilingus, fellatio, vaginal intercourse, and anal intercourse.

- *Sexual Contact without Consent (e.g., fondling)*: Knowingly touching or fondling a person's genitals, breasts, thighs, groin, or buttocks, or knowingly touching a person with one's own genitals, breasts or buttocks, when consent is not present.

This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

- *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state of Illinois in which the incident occurred.
- *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent under the laws of the state of Illinois.

- ### B. Sexual Exploitation: Taking sexual advantage of another person for the benefit of oneself or a third party when consent is not present.

This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):

- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent
- Indecent or lewd exposure or inducing others to expose themselves when consent is not present
- Recording any person engaged in sexual or intimate activity in a private space

without that person's consent

- Distributing sexual information, images, or recordings about another person without that person's consent
- Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation
- Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs

- C. Stalking: A course of conduct directed at a specific person that is unwelcome and that would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer substantial emotional distress.

Conduct that can amount to stalking may include two or more actions directed at another person, whether done directly, indirectly, through others, via devices, or via any other methods or means (specifically including electronic means), including but not limited to:

- Following a person
- Being or remaining in close proximity to a person
- Entering or remaining on or near a person's property, residence, or place of employment
- Monitoring, observing or conducting surveillance of a person
- Threatening (directly or indirectly) a person
- Communicating to or about a person
- Giving gifts or objects to, or leaving items for, a person
- Interfering with or damaging a person's property (including pets)
- Engaging in other unwelcome contact

- D. Dating/Domestic Violence: Intimidation, harassment, physical abuse, sexual abuse, or interference with personal liberty of any person by someone in an intimate relationship, as described below. These actions may include, but are not limited to:

- *Physical abuse*: hitting, slapping, shoving, grabbing, pinching, biting, or hair pulling.
- *Sexual abuse*: marital rape, attacks on sexual parts of the body, forcing sex after physical violence, treating one in a sexually demeaning manner, coercing or attempting to coerce any sexual contact or behavior without consent.
- *Psychological or emotional abuse*: a pattern of behavior undermining an individual's sense of self-worth or self-esteem, constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with one's children.

Individuals encompassed in the definition of *Dating Violence* include, but are not limited to:

- Persons who have or have had a dating relationship
- Persons who have or have had a social relationship of a romantic or intimate nature

Individuals encompassed in *Domestic Violence* include, but are not limited to:

- Current and former spouses
- Current and former domestic partners
- Intimate partners or dating partners who share or formerly shared a common dwelling
- Persons who otherwise have a child in common or share a relationship through a child

- E. *Sexual Harassment*: Sexual harassment is any unwelcome conduct of a sexual nature where: sexual favors are used or threatened to be used as a basis for academic or employment decisions (*quid pro quo* harassment); the conduct creates a hostile, intimidating or offensive academic or working environment; the conduct has the effect of unreasonably interfering with an individual's work performance; or other verbal, nonverbal, or physical conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a person's ability to participate in or benefit from an educational program or activity.

Some examples of sexual harassment may include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome sexual advances
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for or forced sexual activity
- Unnecessary references to parts of the body
- Remarks about a person's gender, non-conformity with gender stereotypes, or sexual orientation
- Sexual innuendoes or humor
- Obscene gestures
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Stalking or cyberbullying that is based on gender or sex
- E-mail, texting ("sexting") and Internet use that violates this policy, including through the use of any electronic devices not owned or leased by TTIC
- Sexual assault or violence

- F. *Gender-Based Discrimination*: Gender discrimination involves treating an individual unfavorably because of that person's gender. Discrimination against an individual because of gender identity, including transgender status or gender presentation, or because of sexual orientation is sex discrimination in violation of Title VII of the Civil Rights Act.

For purposes of this policy, gender discrimination also refers to discrimination related to pregnancy and pregnancy-associated conditions.

Some examples of Gender-Based Discrimination may include:

- Paying a woman less than a man doing the same job.
- Dismissing a Research Assistant from a project due to pregnancy.
- Giving fewer work duties to a woman because she's not as strong as a man.
- Grading a student harder than others because of his transgender identity.
- Refusing to admit a gay student.

Some situations that seem innocuous can potentially be gender discrimination. For example, asking a woman in a job interview if she has children may be seen as discriminatory if that question is not asked of a man and/or the information is used to disqualify her from the position.

All forms of sexual misconduct identified in this policy are also prohibited forms of sexual harassment.

3. Reporting Obligation

All TTIC faculty and administrative employees, as well as Teaching Assistants or non-employees with teaching or supervisory authority, are obligated to promptly report sexual misconduct of which they become aware to the Title IX Coordinator or Deputy Title IX Coordinator.

4. Retaliation

TTIC strictly prohibits any material adverse action against any individual for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct. Therefore, retaliatory actions such as intimidation, threats, or coercion against any individual for having engaged in the above activities will be addressed in the most serious way by TTIC. Individuals who engage in retaliation are subject to disciplinary action that may include, but is not limited to sanctions including exclusion, expulsion, or dismissal from TTIC, and termination of employment, including revocation of tenure. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator or Deputy Title IX Coordinator, who shall investigate the matter and make findings so TTIC can take appropriate actions to address such conduct in a fair and impartial manner. If the complaint of retaliation is against the Title IX Coordinator or Deputy Title IX Coordinator, complaints may be made to other senior TTIC officials: the President, Chief Academic Officer or Chief Financial Officer.

5. Amnesty for Sexual Misconduct Complainants and Witnesses

TTIC encourages reporting of sexual misconduct and seeks to remove any barriers to an individual or group making a report. TTIC recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. An individual(s) who reports sexual misconduct that was directed at them or another person, either as a Complainant or a third party witness, will not be subject to disciplinary action by TTIC for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.

TTIC may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol or other drugs. These interventions do not include involuntary leaves for students from TTIC. Amnesty will not be extended for any violations of TTIC policy other than alcohol/drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

6. Free Expression and Academic Freedom

TTIC is committed to the principles of academic freedom. Rigorous discussion and debate are fundamental to the TTIC’s educational mission, and this policy does not determine or restrict teaching methods, course content, or the processes of intellectual inquiry and debate. The fact that speech or a particular expression is offensive is not, standing alone, a legally sufficient basis to establish a violation of this policy.

If such speech or expression takes place in the teaching context, it would be considered a violation of this policy if it is persistent, pervasive, and not germane to the subject matter, demonstrably adversely affects a student’s education, or creates a hostile or abusive environment. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

Procedures

Information covered in this section includes:

1. [Seeking Medical Assistance](#)
2. [Preserving Evidence](#)
3. [Confidential Support, Advocacy & Counseling Services](#)
4. [Reporting Sexual Misconduct](#)
5. [Interim Protective Measures & Accommodations](#)
6. [Investigation & Resolution of Alleged Sexual Misconduct Violations](#)
7. [Educational Training, Awareness & Prevention Programs](#)

1. Seeking Medical Assistance

Experiencing any form of sexual misconduct, especially acts of violence, is difficult and overwhelming. Survivors often experience a range of emotions, including fear, anxiety, and confusion, and may be unsure of what they want to, or should do, next. Regardless of whether the individual chooses to report the incident, TTIC strongly encourages survivors of any form of violence to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat visible physical injuries and identify injuries that may not be visible, and, where appropriate, also test for and treat sexually transmitted infections, test for pregnancy, and provide emergency contraception (if requested). In addition, a hospital can test for the presence of alcohol or drugs (e.g., “date rape” drugs) and perform a sexual assault evidence collection procedure (see [Procedures Section 2, Preserving Evidence](#)), which are also strongly recommended to maintain all legal options.

Medical services are available from the University of Chicago Medicine's Mitchell Emergency Room: Medical and Counseling Services: (773) 702-6250, 901 East 58th St. (24-hours). For more information on medical resources, see the [Resources for Victims](#) on the TTIC website.

2. Preserving Evidence

Many sexual misconduct offenses also are crimes in the state or locality in which the incident occurred. For that reason, survivors of sexual misconduct often have legal options that they can pursue. These options are available solely at the discretion of survivors, who may change their minds about pursuing them at any time. For example, a survivor may seek a protective order from a court against the perpetrator(s); pursue a civil action against the perpetrator(s); and/or participate in a law enforcement investigation and criminal prosecution of the perpetrator(s). Regardless of whether an incident of sexual misconduct is reported to the police or TTIC, TTIC strongly encourages individuals who have experienced sexual misconduct to preserve evidence to the greatest extent possible, as this will best maintain all legal options for them in the future.

Additionally, such evidence may be helpful in pursuing a complaint with TTIC. While TTIC does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies and medical assistance providers may be submitted as evidence that may be considered in a TTIC investigation or proceeding, provided they are available at the time of the investigation or proceeding.

Below are suggestions for preserving evidence related to an incident of sexual misconduct. It is important to keep in mind that each suggestion may not apply in every incident:

General evidence preservation suggestions:

- Do not alter, dispose of, or destroy any physical evidence.
- If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or law enforcement agent as soon as possible so they

can attempt to collect possible evidence (e.g., from the drink, through urine or blood sample).

- Preserve evidence of electronic communications by saving them and/or by taking screenshots of text messages, instant messages, social networking pages, or other electronic communications, and by keeping pictures, logs, or copies of documents that relate to the incident and/or perpetrator.
- Even if survivors choose not to make a complaint regarding sexual misconduct, they should nevertheless consider preserving evidence in the event that they change their mind at a later date.

Evidence preservation suggestions specific to sexual assault:

- Because some evidence, particularly evidence that may be located on the body, dissipates quickly (within 48-96 hours), individuals who have been sexually assaulted and wish to preserve evidence should go to a hospital or medical facility immediately to seek a medical examination and/or evidence collection. Under Illinois law, any cost for an emergency medical or forensic examination for a victim of sexual violence that is not covered by private insurance or Illinois Public Aid will be covered by the Illinois Department of Healthcare and Family Services, and should not be billed to the patient.
- An individual who has been sexually assaulted should not shower, bathe, douche, smoke, brush teeth, eat, drink, or change clothes or bedding before going to the hospital or seeking medical attention.
- If the individual who has been sexually assaulted decides to change clothes or bedding, they should not wash the clothes worn or bedding used during the assault, and should bring them to a hospital, medical facility or the police in a non-plastic bag (e.g., paper bag).
- In Illinois, individuals who have been sexually assaulted may allow the collection of evidence even if they choose not to make a report to law enforcement. After the evidence is collected, Illinois law requires hospital staff to store it for two weeks. A sexual assault evidence collection kit may not be released by an Illinois hospital without written consent from the survivor.

3. Confidential Support, Advocacy & Counseling

TTIC has contracted with Rape Victim Advocates (RVA) to provide 24-hour confidential response to sexual misconduct complaints. TTIC students, faculty and employees may contact RVA 24 hours a day if they have been sexually assaulted or witness sexual misconduct. Confidential resources will not disclose information about incidents of sexual misconduct to anyone, including law enforcement or TTIC, except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to

others or where state law requires a report be made. Confidential resources can provide survivors with information about support services and their options. The Confidential Advisor can assist victims with finding medical care, advising on reporting options and helping the victim obtain services and accommodations available to them. Due to the confidential nature of these resources, disclosing information to or seeking advice from a confidential counselor does not constitute a report or complaint to TTIC and will not result in a response or retaliation intervention by TTIC. The Confidential Advisor is not required to alert police to a possible crime.

Rape Victim Advocates
<http://www.rapevictimadvocates.org/>
 (773) 907-1062 TTIC Confidential Advisor
 (888) 293-2080 Metro Chicago Rape Crisis Line

4. Reporting Sexual Misconduct

While TTIC strongly encourages reporting, members of the TTIC community who believe they have experienced sexual misconduct have the right to choose whether or not to report the incident to TTIC or law enforcement and pursue a sexual misconduct complaint with TTIC. The information below provides information for individuals who wish to report incidents of sexual misconduct. Both law enforcement and TTIC have a legal duty to investigate reports of sexual misconduct they have knowledge of.

A. Reporting to Law Enforcement

TTIC encourages individuals to report incidents of sexual misconduct to University of Chicago police or local law enforcement officials. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence crimes, and may lead to the arrest of an offender or aid in the investigation of other incidents.

An individual who has experienced sexual misconduct has the right to choose whether to file a police report. Filing a police report can result in the investigation of whether sexual violence or related crimes occurred and the prosecution of those crimes against a perpetrator. It is important to know that reporting the incident to law enforcement does not mean an individual is obligated to testify in court.

A report to the University of Chicago Police Department or the Chicago Police Department does not automatically report the complaint to TTIC. To report the complaint to TTIC, an individual must follow the directions in [Section B, Reporting Incidents to TTIC](#), below.

University of Chicago Police Department

Location: 6054 South Drexel Avenue



Phone: (773) 702-8190
123 from a campus phone
Email: cops@uchicago.edu
Website: <http://safety-security.uchicago.edu/police/>

Chicago Police Department

Closest district station to campus: 2nd District, 5101 South Wentworth Avenue
Phone: 911 (emergency)
(312) 747-8366 (non-emergency)
Email: CAPS002District@chicagopolice.org
Twitter: ChicagoCAPS02
Website: www.chicagopolice.org/

B. Reporting Incidents to TTIC

An individual who has experienced sexual misconduct has the right to choose whether to report the incident to the Title IX Coordinator or Deputy Title IX Coordinator for investigation. As stated in [Policy Section 3](#), all faculty and administrative TTIC employees are obligated to promptly report incidents of sexual misconduct of which they become aware. Further, TTIC encourages students and third parties who have observed or been made aware of sexual misconduct to report the incident to the Title IX Coordinator or a Deputy Title IX Coordinator for investigation.

The offices identified below are specially trained to work with individuals who report sexual misconduct and have knowledge about on- and off-campus resources, services, and options – including the availability of interim protective measures and accommodations discussed in [Procedures Section 5](#).

Title IX Coordinator

Contact: Amy Minick, Title IX Coordinator
Location: 6045 S Kenwood Ave, Room 507
Phone: (773) 702-5033
Email: aminick@ttic.edu

Deputy Title IX Coordinator

Contact: Chrissy Novak, Deputy Title IX Coordinator
Location: 6045 S Kenwood Ave, Room 505
Phone: (773) 834-2216
Email: cnovak@ttic.edu

Online

[Sexual Misconduct Online Reporting Form](#)

This form can be used by victims and by third parties who witness or are aware of sexual misconduct. Reports made via the form can be made anonymously.

5. Interim Protective Measures & Accommodations

Interim protective measures and accommodations are reasonable measures TTIC can put in place to provide immediate support and added protection to an individual who reports having experienced sexual misconduct or retaliation, at no cost to that individual. These measures can be temporary in duration, pending the results of an investigation, but can become permanent. Interim protective measures and accommodations include, but are not limited to:

- A no-contact directive issued by the Title IX Coordinator, Deputy Title IX Coordinator, or their designee
- Housing or work space relocation
- Adjustment of course schedules or employment schedules
- Time off from class or work, or a leave of absence
- Transportation arrangements
- Safety planning

Interim protective measures and accommodations can be made available regardless of whether an individual chooses to report an incident to University of Chicago police or local law enforcement or pursue a complaint with TTIC. The Title IX Coordinator, Deputy Title IX Coordinator, or their designee will determine whether interim protective measures or accommodations are reasonable and should be implemented and, if so, will work to ensure that interim protective measures or accommodations are implemented as soon as possible. TTIC will keep confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of TTIC to provide the protective measures or accommodations.

To seek an interim protective measure or accommodation:

Students should contact:

Deputy Title IX Coordinator

Contact: Chrissy Novak, Deputy Title IX Coordinator
 Location: 6045 S Kenwood Ave, Room 505
 Phone: (773) 834-2216
 Email: cnovak@ttic.edu

Staff and faculty should contact:

Title IX Coordinator

Contact: Amy Minick, Title IX Coordinator
 Location: 6045 S Kenwood Ave, Room 507
 Phone: (773) 702-5033
 Email: aminick@ttic.edu

Violations of directives related to interim protective measures or accommodations may lead to an investigation and disciplinary action which may include, but is not limited to, the sanctions

listed in [Procedures Section 6B](#), including exclusion, expulsion, or dismissal from TTIC, and termination of employment, including revocation of tenure.

6. Investigation and Resolution of Alleged Violations of the Sexual Misconduct Policy

Reporting an incident of sexual misconduct or retaliation to TTIC can result in the investigation of whether a violation of this policy occurred and can also result in disciplinary action against any student, staff or faculty member, or outside party, who is determined to have violated this policy. TTIC has generally designated the Title IX Coordinator to oversee complaints of sexual misconduct and retaliation involving students, staff, faculty and third parties. TTIC may also rely upon the Deputy Title IX Coordinator, any additionally designated Deputy Title IX Coordinators and outside investigators to conduct investigations, as needed. Further, a report of sexual misconduct or retaliation will be routed to the appropriate office for investigation, regardless of where it is initially directed.

TTIC’s investigative and resolution processes for reports of violations of this policy will be prompt, fair and impartial. The procedures set forth below are intended to afford a prompt response to reports of sexual misconduct, to maintain privacy and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

Complaints of sexual misconduct and retaliation will be investigated and resolved in accordance with this policy. TTIC reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of this policy, and which preserves fairness for both parties and maintains the integrity in the investigation and resolution processes.

A. Standard of review

TTIC uses the preponderance of the evidence standard to determine responsibility of violations of this policy; this standard means that it is “more likely than not” that the violation(s) took place.

B. Sanctions, corrective actions, and remedies

Violations of this policy may result in sanctions and corrective actions, which can include, but are not limited to:

- Verbal warning
- Written warning
- Advisory letter
- Monitoring
- Disciplinary hold on academic and/or financial records
- Performance improvement/ management process
- Required counseling or therapy

- Required training or education
- Campus access restrictions
- No trespass order issued by UCPD (with respect to campus locations)
- No contact directive (with respect to an individual)
- Loss of privileges
- Loss of oversight, teaching or supervisory responsibility
- Probation
- Demotion
- Loss of pay increase
- Transfer (employment)
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Exclusion
- Expulsion
- Degree revocation
- Termination of employment
- Revocation of tenure
- Termination of contract (for contractors)

TTIC may assign other sanctions as appropriate in each particular situation.

Sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Administrative Handbook, Faculty Handbook, Student Handbook, other policies or handbooks that may be developed over time, or contracts. In addition, TTIC may take steps to remediate the effects of a violation on victims and others.

Following an investigation, TTIC may extend interim protective measures and accommodations, and/or take other measures to eliminate any hostile environment caused by the sexual misconduct, prevent the recurrence of any sexual misconduct, and remedy the effects of the sexual misconduct on the complainant and the TTIC community. Such measures may include, but are not limited to, the interim measures and accommodations referenced in [Procedures Section 5](#), as well as counseling, training, and other preventative measures.

C. Advisor/legal counsel

Complainants and respondents may be accompanied by one advisor throughout the investigation and any hearing process. An advisor is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or hearing. An advisor may not speak, write, or otherwise communicate with an investigator, hearing officer or panel on behalf of the complainant or respondent and, because these are internal TTIC proceedings, may not function as legal counsel.

To enhance the integrity of the investigation process and help ensure fairness for all parties, advisors cannot be a witness or party in the matter or a related matter, a family member of the complainant or respondent, or an attorney.

However, in any matter involving a complaint of sexual assault, stalking, or dating or domestic violence, the advisor may be any person of the party's choosing, including an attorney. In this case, the advisor is still limited to the supportive and not participatory role described above. Advisors who do not abide by these guidelines may be excluded from the process.

D. Privacy and sharing of information

TTIC considers complaints and investigations conducted under this Policy to be private matters for the parties involved. For that reason, TTIC will protect the identity of persons involved in reports of sexual misconduct to the best of its ability. TTIC will only share personally identifiable information with persons with a need-to-know in order for TTIC to investigate and respond, or to deliver resources or support services. TTIC does not publish the names nor post identifiable information about persons involved in a report of sexual misconduct. TTIC does not confirm to outside parties the identity of an individual who may be involved in a report of sexual misconduct without that individual's consent. However, TTIC cannot promise complete confidentiality or privacy in the handling of sexual misconduct reports or complaints.

Most situations require the disclosure of the complainant's identity to those involved in the investigation in order to fully investigate the matter and/or to enable the respondent to fully respond to the allegations. When individuals report allegations of sexual misconduct to TTIC and do not consent to the disclosure of their names and/or do not disclose the identity of the alleged offenders or identifiable information about the alleged offenders, TTIC's ability to respond to the complaints may be limited. In cases where an individual reporting sexual misconduct requests anonymity or does not wish to proceed with an investigation, TTIC will attempt to honor that request but, in some cases, the Title IX Coordinator or Deputy Title IX Coordinator may determine that TTIC needs to proceed with an investigation based on concern for the safety or well-being of the broader TTIC community (e.g., risk of future acts of sexual violence or a pattern of sexual misconduct). TTIC reserves the right to take appropriate action in such

circumstances, including in cases when the individual reporting the misconduct is reluctant to proceed.

All participants in an investigation of sexual misconduct will be informed that confidentiality helps enhance the integrity of the investigation, protect the privacy interests of the parties and protect the participants from statements that might be interpreted to be retaliatory or defamatory. For these reasons, the complainant and respondent will be asked to keep the information related to the investigation private, to the extent consistent with applicable law. Witnesses and advisors will be directed to maintain complete confidentiality.

Upon the conclusion of an investigation, the complainant and respondent will be notified in writing, at the same time, of the outcome of the investigation, including whether the alleged conduct was found to have occurred based on a preponderance of the evidence, and any sanctions imposed on the respondent that directly relate to the complainant. For findings of sexual assault, stalking or dating or domestic violence, TTIC will also provide the complainant with notification of all disciplinary sanctions imposed on the respondent. Notification of findings and sanctions may be provided to the complainant and the respondent in separate correspondence from the investigator and the office imposing the sanction. TTIC encourages the parties to maintain confidentiality of this communication.

E. Investigations and resolution of complaints against faculty, staff and third parties

The TTIC Human Resources Office, through the Title IX Coordinator, Deputy Title IX Coordinator, or designee, investigates complaints of sexual misconduct, including complaints of sexual harassment and sexual assault, brought against faculty, staff and third parties. All complaints received by TTIC against faculty, staff and third parties will be resolved through a formal investigation.

When a complaint is received, the Title IX Coordinator, Deputy Title IX Coordinator, or designee interviews parties and witnesses and reviews any relevant documents and evidence. Once an investigation is completed, the investigator makes findings on whether the preponderance of the evidence indicates that the respondent violated TTIC’s Policy on Sexual Misconduct.

Upon the conclusion of an investigation, the complainant and respondent will be notified in writing, at the same time, of the outcome of the investigation, including whether the alleged conduct was found to have occurred based on a preponderance of the evidence, and any sanctions imposed on the respondent that directly relate to the complainant. For findings of sexual assault, stalking or dating or domestic violence, TTIC will also provide the complainant with notification of all disciplinary sanctions imposed on the respondent. Notification of findings and sanctions may be provided to the complainant and the respondent in

separate correspondence from the investigator and the office imposing the sanction. TTIC encourages the parties to maintain confidentiality of this communication.

In the event a violation is found, the investigator will also provide her or his findings and any recommended actions to the appropriate University office.

- For staff respondents, findings of a violation will be provided to the Office of Human Resources and the respondent's manager(s), who are responsible for deciding whether, and what sanctions or corrective actions should be imposed on the respondent, in accordance with the Staff Handbook.
- For faculty respondents, findings of a violation will be provided to the Chief Academic Officer and President.
- For third party respondents, findings of a violation will be provided to the appropriate TTIC office.

When a violation of the Policy on Sexual Misconduct is found, sanctions are determined based on several factors, including the severity of the conduct and any prior policy violations. In addition, TTIC may take steps to address the effects of the conduct on victims and others, including, but not limited to, counseling and support resources, academic and housing assistance, change in work situations, leaves of absence, and training or other preventative measures. Sanctions and remedial actions aim to eliminate any hostile environment, prevent sexual misconduct from recurring, and remedy any discriminatory effects on a complainant or others. More specifics on sanctions can be found in [Section 6B, Sanctions, corrective actions, and remedies](#).

Sanctioning committees are comprised of the following members:

- Faculty – TTIC President, Chief Academic Officer, Title IX Coordinator
- Staff – TTIC President, Chief Financial Officer, Title IX Coordinator
- Student – TTIC President, Chief Academic Officer, Administrative Director of Graduate Studies
- Third Party – TTIC President, Chief Financial Officer

Sanctioning committee members may appoint a designee to serve in their place, provided the designee has been trained according to state law.

1) Timeline

In most cases, TTIC investigates and resolves complaints of sexual misconduct, including determining what sanctions and/or corrective actions will be taken, within sixty (60) days of receiving a complaint. This may vary based on the

availability of the parties and witnesses, the scope of the investigation, provision of interim protective measures or accommodations, or unforeseen circumstances. Extensions of time beyond this sixty (60) day timeframe may occur for good cause and with written notice to the complainant and respondent.

2) Conflicts

Any participant in an investigation who has a complaint regarding the conduct of the investigator or who believes the investigator has a conflict of interest should contact the President or Chief Financial Officer, who shall take appropriate actions to address the issue in a prompt and equitable manner. No investigator shall investigate a matter in which s/he has a conflict of interest.

3) Appeals

The complainant or respondent may appeal the investigator's findings and, if sanctions are imposed, a determination of sanctions. An appeal will be handled in a manner consistent with any applicable terms or procedures in the Faculty Handbook, Administrative Handbook, or applicable contract. Otherwise, the terms and procedures outlined in these guidelines will control. The appeal must be made within ten (10) days of the date of the written notification of the findings of the investigation or, if sanctions are imposed, the determination of sanctions. An appeal must be in writing, be submitted to the appropriate individual listed below, and specify the substantive and/or procedural basis for the appeal. The investigator's original finding is presumed to have been decided reasonably and appropriately by a preponderance of the evidence.

The only grounds for appeal are as follows:

- A procedural or substantive error significantly impacted the outcome of the investigation.
- New evidence, unavailable during the original investigation, could substantially impact the original finding. The person filing the appeal must include a description of this new evidence, why it was not available during the investigation, and how it could impact the outcome of the investigation.
- The sanctions assessed are substantially disproportionate to the findings.

In the event sanctions were imposed, it shall be in the discretion of the Title IX Coordinator and the sanctioning body whether the sanctions shall be implemented or stayed pending resolution of an appeal.

The decision on an appeal will be issued as expeditiously as possible, usually

within thirty (30) days, though this may vary based on the scope of the appeal or unforeseen circumstances. In the event an appeal results in a referral back to the investigator or a sanctioning office for further consideration, the individual receiving the appeal will provide written notification to the complainant, the respondent, the Title IX Coordinator, and the appropriate University office that the appeal is being referred. Upon referral, the investigator or sanctioning office will consider the basis for the referral, determine the final outcome, and will notify all the aforementioned persons and offices of the final outcome, which is not subject to further appeal. In the event an appeal results in a decision without a referral to the investigator or sanctioning office, that final outcome will be provided, in writing, to the concerned parties. A final outcome on an appeal is not subject to further appeal.

F. Investigations and resolution of reports against students

The Title IX Coordinator, Deputy Title IX Coordinator or designee investigates reports of alleged violations of this policy by TTIC students.

When a report is received, the Title IX Coordinator or designee will conduct an initial inquiry to determine the resolution plan. If action is required to remediate the impact of the alleged policy violation, the Deputy Title IX Coordinator will take interim actions or make accommodations as appropriate. The matter will be assigned to an investigator who will gather full details related to the report. The investigator will interview the parties and relevant witnesses and review relevant documents and evidence.

TTIC invites reporters and witnesses to participate fully in the student conduct process. In order for TTIC to investigate a student conduct matter and/or enable a respondent to fully respond to the allegations, most situations will require the reporter’s participation and that their identity be disclosed to the participants in the student conduct process. If a reporter decides not want to participate, but wants student conduct action to be taken, TTIC will determine whether it is possible to move forward with a case without the participation of the reporter. In some cases, it will not be possible for student conduct action to be taken without the participation of the reporter. Should the reporter request anonymity or decide that they do not want student conduct action taken, TTIC will attempt to honor this request but, in some cases, TTIC may need to proceed with an investigation and/or hearing based on concern for the safety or well-being of the broader University community.

TTIC expects respondents to participate fully in all aspects of the student conduct process. If a respondent elects not to participate in any part of the process, TTIC may proceed without the respondent’s participation. Respondents will be held accountable for any outcomes issued, even if they fail to participate.

1) Privacy

All parties involved in a conduct case, investigation, or hearing are restricted from disclosing the identity of the parties and any details or information regarding an incident, investigation, or hearing to anyone except to officers of TTIC as necessary to implement any provisions of this system, the business of TTIC or otherwise in conformity with law or TTIC policy. Any individuals who violate these confidentiality provisions will be subject to possible sanctions through the appropriate resolution process. TTIC reserves the right to share information regarding the case with other appropriate parties on a need-to-know basis in accordance with FERPA.

While TTIC requests all parties to maintain the privacy of its proceedings, unless otherwise agreed to by a reporter of domestic violence, dating violence, sexual assault, or stalking, federal regulations prohibit TTIC from interfering with the reporter’s re-disclosure of the final determination of any such proceeding and any sanction that is imposed against the respondent.

2) Interim Actions

Upon receipt of a report, but prior to the resolution of an allegation of misconduct, the Deputy Title IX Coordinator or designee(s) may take interim action (including protective measures and accommodations) to ensure the safety and security of TTIC community, TTIC community members, or property. Interim actions are all placed pending prompt hearing. In such instances, TTIC will typically attempt to speak with the respondent and give them an initial opportunity to respond to the allegation of policy violation prior to issuing the interim actions.

These actions may be applied to the reporter, the respondent or the broader TTIC community and include (but are not limited to):

- A no-contact directive placed between students or between a student and another member of the TTIC community
- Changes in academic, work, or research arrangements
- Assistance in requesting academic allowances
- A formal request or warning that a student cease current behaviors
- Removal of privileges or suspension of activity (including attendance in a specific class)
- Request that a student seek and maintain treatment for a condition that threatens the safety of the student and/or community
- Issuance of a timely warning to the TTIC community
- A forensic threat assessment at the recommendation of the Title IX Coordinator and/or TTIC President
- Interim Suspension

Cases involving sexual misconduct often require additional interim actions. At a minimum, the interim action will include taking the steps necessary to ensure a safe and nondiscriminatory environment for the reporter and other members of the community (for example, by offering the interim measures described above), informing the reporter of their options (including the option to file an incident report under this policy), and determining whether the circumstances pose a threat to the health or safety of TTIC community so as to warrant issuance of a "timely warning."

Any of the interim actions listed above can be taken to ensure a safe and nondiscriminatory environment for the reporter. When taking these actions, the Title IX Coordinator will attempt to minimize any adverse effects on the reporter.

3) Informal Resolution

Informal resolution is typically used in two instances. First, it is used when a reporter does not want to be identified or does not want to participate in a formal resolution process and TTIC determines it can honor the reporter's request but still needs to take actions to help prevent the recurrence or remediate the impact of the alleged incident. Second, it is used when an investigator such as the Title IX Coordinator or Deputy Title IX Coordinator determines there is not enough information to refer a case of alleged misconduct to formal resolution but still believes action is necessary to address the impact on the TTIC community, TTIC community member, or TTIC property. This might be the case, for example, when a policy violation is alleged to have occurred in an identifiable group within TTIC (e.g., shared office, research lab) but a specific respondent cannot be identified.

An informal resolution is similar to an interim action but serves as final resolution. Informal resolution does not result in findings related to responsibility or in sanctions. Options for informal resolution include, but are not limited to:

- A no-contact directive placed between students or between a student and another member of the TTIC community
- Changes in academic, work, or research arrangements
- An educational meeting with a student or community
- A formal advisory letter and/or request that a student cease current behaviors

Informal resolutions will often be used as ways to remedy the effects and prevent the reoccurrence of concerning behaviors in cases of alleged sexual misconduct when the reporter is not known, wishes to remain anonymous, chooses not to file a report, or specifically asks that TTIC not investigate,

provided that TTIC does not perceive a responsibility to investigate to protect the safety of the campus community.

4) Formal Resolution

Formal resolution is typically used for those instances in which both the reporter(s) and respondent(s) are named in the report, which allows for in-depth investigation by the Title IX Coordinator or designees. It is also used in all cases of sexual misconduct with a violence component: rape, domestic or dating violence, etc.

Following the filing of report, the reporter and respondent will each receive notification in writing to attend a separate initial conference with the investigator assigned to the case, usually the Title IX Coordinator. The purpose of an initial conference is to inform the reporter and respondent of their rights, the Compliance process, and to gather initial statements. Witnesses or those who may have additional information crucial to the investigation may also be called to a separate initial conference in order to support the fact-finding investigation. Any student called to an initial conference must reply to the investigator within three (3) calendar days (or the next weekday following a weekend or a holiday on which TTIC is closed) after the notice has been sent to set up an initial conference, barring any scheduling difficulties with the investigator. At the initial conference, the reporter and the respondent will be asked to make a preliminary formal statement.

Any student called to an initial conference or formal compliance hearing may bring an advisor for support; however, the investigator must be notified at least 24 hours in advance, and the advisor may only be present. Advisors may not participate in the meeting in any way.

Following the period of initial fact-finding, the reporter and the respondent will each receive notification in writing to attend a separate formal Compliance hearing with the investigator assigned to the case. The purpose of the formal Compliance hearing is to provide an opportunity for the reporter and the respondent to review all available evidence and to make any final statements. The reporter and the respondent must reply to the investigator within three (3) calendar days (or the next weekday following a weekend or a holiday on which TTIC is closed) after the notice has been sent to set up the formal Compliance hearing, barring any scheduling difficulties with the investigator. The reporter and the respondent will be asked to make any final statements at each of their respective formal Compliance hearings. After the conclusion of the formal Compliance hearing, no additional evidence will be accepted by the investigator, unless in conjunction with an official appeal by either the complainant or respondent. The formal Compliance hearing will take place no more than

sixty (60) calendar days (or the next weekday following a weekend or a holiday on which TTIC is closed) after the initial complaint has been filed.

Once the investigator determines enough information has been gathered to write a summary of findings, the investigation is complete. The investigator will use the standard of “preponderance of evidence” to determine whether or not the respondent was responsible for the act(s) of sexual misconduct being investigated; this standard means that it is “more likely than not” that the act(s) took place. The investigator will provide a written Summary of Findings to the Title IX Coordinator, if they are not the same person.

The Title IX Coordinator will consult with the President and the Chief Academic Officer to determine what sanctions, if any, to be imposed on the respondent. The reporter and the respondent will each be simultaneously notified in writing of the outcome of the investigations and the sanctions, if any, that are to be imposed on the respondent.

5) Sanctions

When a student is found in violation of this policy, any of the following types of sanctions may be assigned. When considering the sanctions to be imposed, a range of factors may be considered, including the:

- nature, context, and severity of an incident;
- developmental needs of the student;
- level of accountability and responsibility taken by the student;
- level of cooperation from the student;
- need to stop the misconduct and prevent its recurrence;
- need to remedy and address the impact or effects of the conduct on others;
- disciplinary history of the student;
- best interests of the TTIC community; and
- any other aggravating, mitigating, or relevant factors.

When a violation of the Policy on Sexual Misconduct is found, TTIC may take steps to address the effects of the conduct on victims and others, including, but not limited to, counseling and support resources, academic assistance, change in work situations, leaves of absence, and training or other preventative measures. Sanctions and remedial actions aim to eliminate any hostile environment, prevent sexual misconduct from recurring, and remedy any discriminatory effects on a complainant or others.

Sanctions for violations of the Policy on Sexual Misconduct may include:

- A Formal Academic Letter, placed in the student file
- Disciplinary Probation
- Suspension
- Exclusion
- Degree Revocation
- Expulsion
- Any of the other sanctions described in [Section 6B, Sanctions, corrective actions, and remedies](#)

Compliance with all assigned sanctions within the time allocated is mandatory. Failure to complete or comply with any assigned sanction, or failure to meet an assigned deadline (if applicable) may result in additional charges of misconduct, further disciplinary action, and/or the placement of a hold on a student's TTIC account. If a student withdraws or takes a leave from TTIC prior to the completion of their sanctions, they must complete all assigned sanctions before they will be able to re-enroll.

The student sanctioning committee is comprised of the TTIC President, Chief Academic Officer, and Administrative Director of Graduate Studies, or their designees that have been trained according to state law.

6) Appeals

The complainant or respondent may appeal the investigator's findings and, if sanctions are imposed, a determination of sanctions. An appeal will be handled in a manner consistent with any applicable terms or procedures in the Faculty Handbook, Administrative Handbook, or applicable contract. Otherwise, the terms and procedures outlined in these guidelines will control. The appeal must be made within ten (10) days of the date of the written notification of the findings of the investigation or, if sanctions are imposed, the determination of sanctions. An appeal must be in writing, be submitted to the appropriate individual listed below, and specify the substantive and/or procedural basis for the appeal. The investigator's original finding is presumed to have been decided reasonably and appropriately by a preponderance of the evidence.

The only grounds for appeal are as follows:

- If a procedural or substantive error significantly impacted the outcome of the investigation.
- New evidence, unavailable during the original investigation, could substantially impact the original finding. The person filing the appeal must include a description of this new evidence, why it was not available during the investigation, and how it could impact the outcome of the investigation.

- The sanctions assessed are substantially disproportionate to the findings.

In the event sanctions were imposed, it shall be in the discretion of the Title IX Coordinator and the President whether the sanctions shall be implemented or stayed pending resolution of an appeal.

The decision on an appeal will be issued as expeditiously as possible, usually within thirty (30) days, though this may vary based on the scope of the appeal or unforeseen circumstances. In the event an appeal results in a referral back to the investigator or a sanctioning office for further consideration, the individual receiving the appeal will provide written notification to the complainant, the respondent, the Title IX Coordinator, and the appropriate University office that the appeal is being referred. Upon referral, the investigator or sanctioning office will consider the basis for the referral, determine the final outcome, and will notify all the aforementioned persons and offices of the final outcome, which is not subject to further appeal. In the event an appeal results in a decision without a referral to the investigator or sanctioning office, that final outcome will be provided, in writing, to the concerned parties. A final outcome on an appeal is not subject to further appeal.

G. Complaints regarding the specific allegations of sexual assault, stalking, dating or domestic violence

Individuals who report to the Title IX Coordinator, or Deputy Title IX Coordinator that they have experienced sexual assault, stalking, or dating or domestic violence, whether the offense occurred on- or off-campus, will be provided with a written explanation of their rights, options, and resources including a link to this policy. Specifically, this notice will include information about:

- Services and resources related to counseling, health and mental health, legal, visa and immigration, and student financial aid;
- Interim protective measures and accommodations, and how to request them during the course of the investigation;
- The procedures for institutional disciplinary action in cases of sexual assault, dating or domestic violence and stalking; and
- Preserving evidence, reporting to law enforcement, being assisted by TTIC officials in reporting to law enforcement, seeking a protective order, and confidentiality.

7. Educational Training, Awareness and Prevention Programs



TTIC offers a variety of training, awareness and prevention programs to help prevent sexual misconduct 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 investigators and sanctioning committee members on issues related to sexual misconduct, investigation, and resolution.

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