

Date: August 16, 2024



It is the intention and commitment of Illinois Tech that the university will not engage in discrimination or harassment against any person because of race, color, religion, sex, national origin, ancestry, age, marital status, or disability. This policy applies to all members of the university community, including students, faculty, staff, and visitors. The university is committed to creating a safe and inclusive environment for all.

- i. Oral or written request to Illinois Tech that objectively can be understood as a request to investigate and make a determination about alleged discrimination under Title IX. A written request may be submitted electronically by email or using the [Illinois Community Reporting Form - Incident Report](#) that contains the complainant's physical or digital signature or otherwise

Wellness Center, whose official responsibilities include providing mental health li

#### K. REPORTING REQUIREMENTS

- i. If a person shares with an employee conduct that may reasonably constitute sex discrimination under Title IX, the employee has a duty to report this information to the Title IX Coordinator or designee.

#### L. NOTIFICATION REQUIREMENTS

- i. If a person shares information with a confidential employee/advisor about conduct that may reasonably constitute sex discrimination under Title IX, or if a student shares information about their pregnancy or related condition, to an employee, the employee must notify or provide the person the contact information of the Title IX Coordinator and information on how to make a complaint of sex discrimination.

#### M. PARTY

- i. This means a complainant or respondent.

#### N. PEER RETALIATION

- i. Retaliation means no person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the State or federal Constitution, State or federal statute, Illinois Tech policy, this Title IX Sex Discrimination including Sex-Based Harassment process, or because the 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 Title IX Sex Discrimination including Sex-Based Harassment process. Charging an individual with a Code of Conduct violation for knowingly making a materially false statement or knowingly providing false information in the course of an investigation under this Title IX Sex Discrimination including Sex-Based Harassment process is not prohibited retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement or knowingly provided false information. Complaints alleging retaliation may be filed under the process and procedures set forth in Article II of this Student Handbook, entitled Code of Conduct and Conduct Discipline.
- ii. Peer Retaliation is retaliation by a student against another student.

#### O. SUPPORTIVE MEASURES

- i. When Illinois Tech is notified of conduct that reasonably may constitute sex discrimination under Title IX the Title IX Coordinator or designee may offer and coordinate non-disciplinary, non-punitive, individualized services offered as appropriate, and as reasonably available, without fee or charge to a complainant or respondent. Such measures are designed to restore or preserve equal access to the university's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university educational environment and deter sexual harassment. Supportive Measures may

---

Such emergency removals and administrative leave must comply with any other relevant laws, policies, administrative procedures, and agreements governing removal of employees and/or students from and Illinois Tech education program or activity.

include but are not limited to extensions of work assignment deadlines, modification of work schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures.

P. PREGNANCY OR RELATED CONDITIONS

- i. Means pregnancy, childbirth, termination of pregnancy, lactation; or medical conditions related to pregnancy.

Q. CONSENT

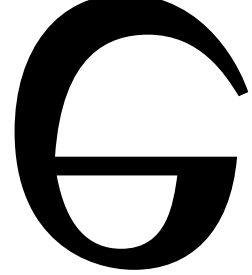
- i. Consent represents the cornerstone of respectful and healthy intimate relationships. Illinois Tech strongly encourages its community members to communicate – openly,



- i. Discrimination on the basis of sex includes discrimination due to sexual orientation, gender identity, sex stereotypes, sex characteristics, and pregnancy and related conditions.

S. SEX-BASED HARASSMENT

- i. Sex-based harassment is a form of sex discrimination and means sexual harassment



their age or because of their temporary or permanent mental or physical incapacity.

- iii. : To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of said person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- iv. : The touching of the private body parts of another person for the purpose of sexual gratification without the consent of said person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- v. : Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- vi. : Nonforcible sexual intercourse with a person who is under the statutory age of consent.

A. Illinois Tech has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity. Title IX grievance procedures at Illinois Tech include:

- i. Treating complainants and respondents equitably;
- ii. Requiring that the Title IX Coordinator, investigator, or decision-maker not have a conflict of interest and are bias-free;
- iii. Presuming that the respondent is not responsible for the alleged conduct until a determination is made regarding responsibility;
- iv. Setting reasonable



- viii. Giving the parties an equal opportunity to present fact witnesses and other evidence;
- ix. Giving the parties an equal opportunity to access relevant and not otherwise impermissible evidence or an accurate description of such evidence; as well as a reasonable opportunity to respond. Illinois Tech will take reasonable steps to prevent and address proscribed disclosures of confidential or other protected information;
- x. Accessing credibility when credibility is in dispute and relevant;
- xi. Using the preponderance of the evidence standard of proof to determine whether sex discrimination occurred;
- xii. If it is determined sex discrimination occurred, remedies for the complainant or others; determining disciplinary sanctions for those found responsible; and other appropriate prompt and effective steps to ensure that sex discrimination **does not** continue or recur;
- xiii. Any additional provision of this policy applicable to the parties;
- xiv. Giving parties the option to participate in the informal resolution processes;
- xv. Providing written notice to the parties of allegations, dismissal, delays of timelines set under this policy, meetings, and proceedings;
- xvi. Permitting each party to have an advisor of the party's choice;
- xvii. Assessing credibility when credibility is in dispute, including questioning a party or witness during meetings or in a live hearing;
- xviii. If a live hearing will be held, review with each party the procedures for the hearing;

- ii. A party or witness records made or maintained by a physician, psychologist, or other recognized professional in connection with treatment;
- iii. Relating to the complainant's sexual interests or prior sexual conduct.
- iv. Exception:
  - 1. Evidence that relates to the complainant's sexual predisposition or prior sexual behavior is 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 by the complainant or of the questions and evidence concern

Specifically, the following are not relevant:

EPG

known, and any other details necessary to prepare a response before any interview, which in no case shall be less than 48hours;

- iii. A statement that the respondent is presumed not responsible for the alleged conduct;
- iv. A statement that a determination regarding responsibility is



relevant questions and follow-up questions, including those challenges to credibility. Only relevant cross-examination and other questions may be asked of a party or witness. With respect to cross-examination:

Questions and evidence about the Title IX Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Title IX Complainant's prior sexual behavior are offered to prove that someone other than the Title IX Respondent committed the conduct alleged by the Title IX Complainant, or if the questions and evidence concern specific incidents of the Title IX Complainant's prior sexual behavior with respect to the Title IX Respondent and are offered to prove Consent.

The Title IX decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant. Cross-examination at the live hearing must be conducted directly, orally, and in real-time by the party's adviser of choice and never by the party personally.

- iv. Cross-examination must be conducted by the party's adviser, and never by the party. If a party does not have an advisor present at the live hearing, the university will provide an advisor of its choice, without charge to the party, who may be, but likely will not be, an attorney to conduct cross-examination on behalf of the party.
- v. If a party or witness does not submit to cross-examination at the live hearing, the Title IX decision-maker cannot rely on any statement of that party or witness in reaching a determination regarding responsibility; provided,

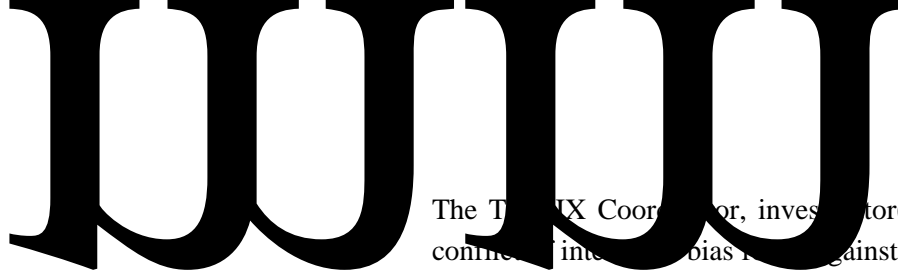




initiate a Code of Conduct violation under Article II of this Student Handbook for Failure to Comply.

- A. Illinois Tech may dismiss a complaint of sex discrimination if:
  - i. Illinois Tech is unable to identify the respondent after taking reasonable steps to do so;
  - ii. The respondent is not participating in an Illinois Tech education program or activity and is not employed by Illinois Tech;
  - iii. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and Illinois Tech determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
  - iv. Illinois Tech determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Illinois Tech will make reasonable efforts to clarify the allegations with the complainant.
- B. Upon dismissal, Illinois Tech will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Illinois Tech will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
- C. Pursuing Complaints without Support of Complainant. The Title IX Office can pursue a complaint without the support of the complainant if the allegations in the complaint constitutes sex discrimination under Title IX and all the applicable considerations have been reviewed. This review process occurs when the complaint is initially reported.
- A. Illinois Tech will notify the complainant that the complaint was received and dismissed and may be appealed and will provide the complainant with an opportunity to appeal the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Illinois Tech will also notify the respondent that the dismissal may be appealed.
- B. When a complaint is dismissed, Illinois Tech will, at a minimum:
  - i. Offer supportive measures to the complainant as appropriate;
  - ii. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
  - iii. Take other prompt and effective steps as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Illinois Tech's education program or activity.
- C. Grounds For Dismissal.





The Title IX Coordinator, investigator(s), or decision-maker(s) generally had a conflict of interest, bias for or against a complainant or a respondent that would change the outcome of the determination.

D. If the dismissal is appealed, Illinois Tech will:

- i. Notify the parties of any appeal, including the basis of the appeal, if Notice was not previously provided to the Respondent;
- ii. Either party may appeal the parties;
- iii. Ensure that the decision-maker for the appeal has been trained consistent with the Title IX regulations;
- iv. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- v. Notify the parties of the appeal determination and the rationale for the result.

A. Illinois Tech offers the following process for appeals from a determination that sex discrimination occurred. Both the complainant and respondent may file an appeal from a determination regarding responsibility, on the following bases:

- i. Procedural irregularity that affected the outcome of the matter;
- ii. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome of the matter;
- iii. Claims that the Title IX Coordinator or designee, investigator(s), or decision-maker(s), had a conflict of interest, or a bias for or against a complainant or respondent generally that have affected the outcome of

as),

B. Amnesty For Sexual Misconduct Reporting

- i. Illinois Tech encourages reporting of sexual misconduct and seeks to remove any barriers to an individual making a report. To this end, Illinois Tech recognizes that an individual who was drinking or using drugs at the time of such an incident may be hesitant to make a report because of potential consequences for their own conduct. Accordingly, an individual(s) who, in good faith, reports sexual misconduct that was directed at them or another person, either as a reporting party or a third-party witness, will not be subject to disciplinary action by Illinois Tech solely for their own personal consumption of alcohol or drugs.
- A. Illinois Tech is committed to creating an accessible and inclusive environment for pregnant and parenting students and does not discriminate against any student based on the student's current, potential, or past pregnancy or related conditions. Students who are pregnant or have a related condition can voluntarily:
- i. Participate in a separate portion of the educational program or activity as long as the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.
  - ii. Take a leave of absence in accordance with the university's leave of absence policy. Upon return from a leave of absence, the student will be reinstated to the academic status held when the voluntary leave began.
- B. Pregnancy or related conditions will be covered under the same policies as other temporary medical conditions regarding medical and hospital benefits offered through Illinois Tech.
- C. Illinois Tech does not require students who are pregnant or have related conditions to provide certification from a healthcare provider that they are physically able to participate in its educational program or activity except under very limited circumstances.<sup>5</sup>
- D. When a student, or a person who has a legal right to act on behalf of the student, informs an Illinois Tech employee of their pregnancy status or related condition, the employee must provide the person with the Title IX Coordinator's contact information and inform the student that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure continued access to the educational program or activity.
- E. Illinois Tech does not require supporting documentation from the student to receive reasonable accommodations unless the documentation is necessary. Accommodations may vary based on the student's circumstances and may include: academic accommodations and flexibility (such as breaks during class, intermittent absences to attend medical appointments, rescheduling of tests, extensions of deadlines, and alternatives to make up missed work); access to online education, changes in physical space, voluntary leaves of absences or changes in work schedules, changes to housing, or

---

Certification of participation is required if the physical ability or health is necessary for participation in the program or activity and if Illinois Tech requires certification for all students participating in the program.

other types of accommodations.<sup>6</sup> Illinois Tech does provide lactation spaces across the university. For a list of locations, click [here](#).

- A. The Title IX Coordinator or designee will maintain, for a period of at least seven years, records of:
  - i. Each complaint of sex discrimination, records documenting the Informal Resolution process or grievance procedures, and if applicable the resulting outcome and documentation showing that Illinois Tech's response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to an Illinois Tech education program of activity.
  - ii. Each determination regarding responsibility and any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to Illinois Tech's education program or activity; (a) any appeal and the results therefrom; (b) any informal resolution and the result there from.

A. Any ~~penetration~~ or Any