

Title IX Compliance Policy

Introduction

All higher education institutions (HEI's) in Illinois must comply with the "Preventing Sexual Violence in Higher Education Act". All HEIs are mandated to adopt a comprehensive policy concerning sexual violence, domestic violence, dating violence and stalking consistent with governing federal and State law.

Purpose

This policy applies to complaints or report of alleged sex and/or gender based misconduct at ATS Institute of Technology.

Scope

This policy applies to all members of the ATS Institute of Technology community, including but not limited to faculty, staff, students, and/or persons that has a business related to receiving or seeking to receive services or pursuing studies and/or employed at ATS.

Definitions

Title IX – is a federal law which prohibits sex and gender discrimination in the U.S. education. Under Title IX, sex and gender-based misconduct are forms of discrimination that require investigation and appropriate remediation when students, colleagues, or other members of the educational institution's community are affected. Title IX is enforced by the U.S. Department of Education.

Complainant - means a student or employee who files a complaint alleging violation of the comprehensive policy through the higher education institution's complaint resolution procedure.

Confidential advisor - means a person who is employed or contracted by a higher education institution to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities described in Section 20 of this Act.

Consent – is consent is a freely given agreement to sexual activity.

1. (a) a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent
2. (b) a person's manner of dress does not constitute consent
3. (c) a person's consent to past sexual activity does not constitute consent to future sexual activity
4. (d) a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another
5. (e) a person can withdraw consent at any time, and;
6. (f) 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:

- the person is incapacitated due to the use or influence of alcohol or drugs;
- the person is asleep or unconscious;
- the person is underage; or
- the person is incapacitated due to a mental disability

Coordinator – refers to the Title IX Coordinator. Ms. Misti Ludwig is designated as ATS’s Title IX Coordinator responsible for overseeing compliance with all aspects of this policy and assigned to receive and monitor resolutions for all Title IX reports.

Community Crisis Center – is an organization with qualified caring counselors who works and provides short-term and long-term help to victims of sexual assault/abuse and help them regain control of their lives, explore their options and choices and deal with the effects of trauma. If you need to make a plan to be safe in your current situation or a plan to leave your current situation, the Community Crisis Center can be reached at 847-697-2380. You will talk to a professional counselor who can help you make this plan in a confidential and safe setting.

Gender-based misconduct – refers to unwelcome conduct, including harassment, of an unacceptable nature based on actual or perceived biological sex including behaviors based on gender identity, expression and nonconformity with gender stereotypes.

Primary prevention plan - means institutional action and strategies intended to prevent sexual violence before it occurs by means of posing awareness, including but not limited to providing training, posting flyer campaigns, sending electronic communications, and active engagement of all members of the ATS community.

Respondent - means a student, faculty and/or staff involved in the complaint resolution procedure who has been accused of violating ATS’s Title IX comprehensive policy.

Sex and gender-based misconduct - is a broad term used to refer to all conduct prohibited by this policy. This includes sexual harassment, gender-based harassment, dating violence, domestic violence, rape, sexual assault, sexual exploitation and stalking. Sex and gender-based misconduct can be committed by any person regardless of sex, gender or sexual orientation of the victim or perpetrator.

Sexual violence - means physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation to rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Stalking – is a course of behavior directed at a specific person that would cause a reasonable person to feel fear for personal safety, or repetitive, menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another individual.

Survivor - means a student, faculty, or staff who has experienced sexual violence, domestic violence, dating violence, or stalking while at ATS.

Policy Statement

Sex and gender-based misdeeds that are deemed to fall within the scope of this policy are violations of the ATS Institute of Technology’s student conduct policies. These acts may also be considered crimes. In an effort to increase early intervention and reduce the risk of sex and/or gender-based misconduct from occurring among

students, staff, faculty and other members of the ATS community, these policies are set to provide awareness and prevention.

Reporting

A formal complaint can be filed with the Title IX coordinator, Ms. Misti Ludwig. Reports can also be made by victims through email to mludwig@atsinstitute.edu.

If a victim wishes to access local community agencies for support or law enforcement to make a report, ATS will assist the victim in making these contacts. Initial response to electronic reports submitted to ATS will occur within 12 hours of initial receipt of the complaint.

Support and Resources

The ATS Title IX coordinator who receives notification of alleged sexual and/or gender based misconduct will offer appropriate support or refer the victim directly to immediate assistance. Assistance may initially require supported access to local medical, mental health, legal or law enforcement resources and could include academic accommodations, and other arrangements as may be appropriate and available.

Disciplinary Review and Action

Acts of sex and gender-based misconduct are subject to disciplinary action. Disciplinary action is not intended to determine criminal responsibility. Rather it is intended to identify and respond to the violations of ATS policy.

The Title IX coordinator will monitor the investigation and resolution of reports of sex and/or gender-based misconduct and facilitate compliance with this policy. Title IX coordinator will work with the ATS management to identify and initiate strategies intended to remedy the effects on the victim and the ATS community to the extent practicable and reasonable to prevent the recurrence of similar misconduct.

Privacy of the records specific to sex and/or gender-based misconduct investigation is maintained in accordance with applicable law, including FERPA.

Sanctions for student misconduct will be imposed in accordance with the ATS Student Conduct policies. Depending on the gravity of student violation in this policy, it may trigger application of sanctions to a student imposed under local, state or federal law.

Sanctions for employees/staff misconduct will be imposed in accordance with the Employee Conduct policies and Workplace Violence Prevention. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Victim's/Survivor's Rights

ATS will take initial steps to protect victims of sex and gender-based misconduct and maintain a positive learning and working environment by minimizing or eliminating contact between a complainant and a respondent and providing reasonable academic, employment and administrative accommodations in accordance with the [Clery Act](#) and [Title IX](#).

Confidentiality

ATS wishes to create an environment in which individuals feel free to discuss concerns and make complaints. ATS understands that complainants, witnesses, and others involved in the investigation process may be concerned about the confidentiality of the information they are sharing. Confidentiality in cases of sex and/or gender-based misconduct will be maintained to the extent permissible by law and consistent with ATS's obligations in investigating complaints.

Risk Reduction Measures

Responsibility for sexual and/or gender-based misconduct rests with those who commit such acts. Risk reduction measures are not intended to blame the victim. These are precautions we all can take which may limit our exposure to situations which may result in non-consensual sexual acts.

- Communicate limits/boundaries and respect the limits/boundaries of others.
- Clearly and firmly say "NO" to a sexual aggressor.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
- If someone is nearby, seek help.
- Take responsibility for your own alcohol/drug use. Bear in mind that alcohol/drugs lower sexual inhibitions and may make you vulnerable to someone who wants to take advantage of you.
- Do not take advantage of someone who is under the influence of alcohol/drugs even if alcohol and/or drugs were consumed willingly.
- Do not make assumptions about consent.
- Remember that consent should be affirmative and continuous.

Procedures to Follow After a Sexual Misconduct/Assault

Victims of sexual assault, misconduct or rape are strongly encouraged to report the incident to appropriate law enforcement authorities in order to deter these assaults and to ensure that victims receive the services they need. If requested, ATS staff is available to assist students with notifying the authorities.

If a sexual assault occurs, please follow the steps below to help deal with the physical and emotional trauma:

1. Go to a safe place.
2. Report the incident to Campus Security or the Director.
3. Report the assault to the police. If requested, ATS will assist with notification.
4. Preserve all physical evidence. Do not shower or bathe. Place clothing in a paper (not plastic) bag.
5. Go to the hospital for medical care. Injuries should be treated, and an examination completed to document and collect physical evidence of the assault. ATS Institute of Technology staff will assist with transportation if necessary.
6. Seek professional counseling. This can help in the recovery from the psychological effects of the assault.

Resources for Victims of Sexual Misconduct/Assault

Victims of sexual assault can receive immediate advice and assistance by calling the **Community Crisis Center** 24-hour hotline at 847-697-2380. The Center is located at 37 S. Geneva St., Elgin, IL. Its staff of qualified caring counselors work to help victims of sexual assault/abuse regain control of their lives, explore their options and choices, and deal with the effects of the trauma. They strive to empower survivors and help them move through the crisis to develop and pursue their own goals.

Even after the crisis has passed, victims are still encouraged to continue to seek professional counseling. This can help a victim recover from psychological effects. Victims of a sexual assault or rape may request a change in their academic arrangements by contacting the Director. Changes will be made if feasible and reasonable to do so.

All reports filed with the school will remain confidential. While confidentiality and privacy of individuals involved are considered, compliance with the wishes of the complainant and witnesses cannot be guaranteed but will be considered and respected to the extent possible and appropriate.