§2-2 Nonacademic Misconduct

It shall be a violation of this Code for a matriculated or non-matriculated student, whether or not currently enrolled in the College, to engage in or attempt to engage in any of the following conduct if it (a) affects or threatens to affect another IIT student or a member of the faculty, staff or administration of IIT; or (b) occurs on IIT premises or at a function sponsored by IIT or by an IIT student organization. Unless otherwise stated, such conduct must be done knowingly, recklessly or negligently.

* * *

(m) Sexual misconduct, which includes:

(i) Sexual assault, which is defined as any of the following conduct if done without effective consent:
(a) sexual intercourse (anal, oral, or vaginal); (b) physical sexual violence, such as sexual assault or sexual battery; and (c) sexual touching of another, however slight, including sexual touching with an object; disrobing of another; or exposure to another;

(ii) Dating violence, which is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship is determined based upon a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence, which includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Illinois;

(iv) Sexual exploitation, which is defined as taking non-consensual or abusive sexual advantage of another for one’s own benefit or to the benefit of another other than the person being exploited and that does not otherwise meet the definition of sexual misconduct, such as, but not limited to, prostituting another, non-consensual video or audio taping of sexual activity, engaging in voyeurism, invading another’s sexual privacy, and exposing one’s genitals or inducing another to expose his or her genitals in non-consensual circumstances;

(v) Stalking, which is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

For purposes of the foregoing relevant offenses, effective consent is informed, freely and actively given, mutually understandable words or actions which indicate a positive agreement to participate in mutually agreed upon sexual activity. Consent must be clear and unambiguous, and it should not be
presumed in the absence of such an agreement. The absence of “no” should not be understood to per
se mean there is consent. Consent is not effective if it results from the use of force, threats,
imimidation, or coercion. In addition, to have sex with someone whom the person knows, or should
know, to be incapable of making a rational, reasonable decision about a sexual situation is a violation
of this policy (e.g. an intoxicated person or someone with a mental or emotional impairment).

The College abides by the IIT Policy and Procedures Applicable to Sexual Harassment and Sexual
Misconduct, which is incorporated herein by reference. Any action brought against a student of the
College alleging sexual misconduct shall be conducted in accordance with the procedures specified in
this Code of Conduct, as well as any additional procedures contained in the IIT Policy to the extent
that they are not inconsistent with provisions of this Code.

*   *   *

§5-1 Any person (including a faculty member or administrator) who has a reasonable basis for believing
a violation has occurred has an obligation to file a complaint with the Dean. The complaint shall be in
writing, signed by the complainant, and shall contain a statement of facts upon which the complaint is
based. Any proceeding under this Code shall provide a prompt, fair, and impartial investigation and
resolution of the allegations in a complaint.

*   *   *

§6-1 The proceedings and deliberations of the Tribunal shall not be open to the public, the student
body, or the faculty at large. Any alleged victim has the same right to have others present during
Tribunal hearings as the Alleged Violator, including the opportunity to be accompanied by an advisor
of his/her choice. This includes alleged victims in proceedings brought under §2-2(c) (harassing and/or
hazing), §2-2(e) (physically abusing another or engaging in conduct that threatens or endangers
another), and §2-2(m) (sexual misconduct).

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§6-7 In cases involving an alleged victim, the Tribunal, at the same time that it notifies the Alleged
Violator or Convicted Violator of any Tribunal finding or action, shall notify the alleged victim in
writing of such finding or action; the procedures applicable to any appeal of such finding or action;
any change to the results of the proceeding due to any appeal; and when the results have become
final. This includes alleged victims in proceedings brought under §2-2(c) (harassing and/or hazing), §2-
2(e) (physically abusing another or engaging in conduct that threatens or endangers another), and §2-
2(m) (sexual misconduct).