

ITC Seminars Handbook

Effective January 2022

A. Participant Conduct Code

1. General Disciplinary Principles

Participants are expected to make themselves aware of and abide by the ITC Seminars community's standards of behavior as articulated in the Participant's Conduct Code and in related policy statements. Participants accept the rights and responsibilities of membership in the ITC Seminars community when they are admitted to any of its CE activities. In ITC Seminars, as elsewhere, ignorance is not an acceptable justification for violating community standards. Lack of intent or awareness of ITC Seminars' standards normally will not be accepted as excuses for violations and will normally receive the same consequences as deliberate violations.

Because the functions of an educational institution depend on honesty and integrity among its members, ITC Seminars expects from its participants a higher standard of conduct than the minimum required to avoid disciplinary action. Likewise, while many of ITC Seminars' standards of conduct parallel the laws of society in general, ITC Seminars' standards may exceed those found elsewhere in society.

Where there is a delay between the conduct and the reporting of the potential violation, the applicable provisions regarding behavior violating ITC Seminars' standards and appropriate sanctions shall be those that were in effect at the time the behavior occurred. Participant conduct investigations will be conducted according to the most recent or current procedures described in the most current version of this part as of the date of the notification letter to the respondent.

Any reference to "days" in this part refers to calendar days, unless otherwise noted.

1.01 Disciplinary Authority

The powers of ITC Seminars are exercised, its property controlled and its affairs conducted by the Advisory Committee. Responsibility for the administration of these affairs is delegated by the Committee to various officers of ITC Seminars, as stipulated in the corporate bylaws; the enforcement of all rules and regulations is the specific duty of ITC Seminars' president. The President, in turn, delegates the authority to the Vice President or designee for Participant Affairs to establish and hold participant conduct review proceedings that will ensure the proper administration of ITC Seminars' rules and regulations. The delegation of responsibilities is the same for matters involving sexual, interpersonal, and protected CE activity misconduct.

In certain circumstances, the Vice President or designee may, in their sole discretion, modify procedures outlined under the Non-academic Conduct Review System.

Participant procedural rights and review procedures are articulated in later sections of the Participant Conduct Code.

1.02 Basic Principles

- I. The Relationship of Discipline to the Purpose of ITC Seminars. ITC Seminars is primarily an academic community. As such, ITC Seminars seeks to maintain an optimal learning environment. To achieve this objective, ITC Seminars exercises certain disciplinary and discretionary powers. It protects its educational environment by establishing and maintaining standards of conduct for its participants as individuals and as groups. These standards reflect the very nature of an academic community and the need to preserve an effective educational environment.

Activities of participants may result in violation of law, and participants who violate the law may incur penalties prescribed by civil authorities. However, ITC Seminars reserves the right to review such incidents independent of action by civil or criminal authorities, recognizing that ITC Seminars' authority and its disciplinary process serve its educational mission and interest, a function separate from action by civil or criminal authorities.

ITC Seminars' function with reference to participant conduct differs from the community's function in method as well as scope. Recognizing its role in developing a sense of responsibility in participants, ITC Seminars uses admonition, example, and guidance in addition to formal disciplinary proceedings. Every ITC Seminars' participant is presumed to have sufficient maturity, intelligence and concern for the rights of others to help maintain the standards of the academic community. When a participant's behavior demonstrates otherwise, ITC Seminars will consider disciplinary action as appropriate.

II. Conditions for Review

1. Definition of a Participant:

For the purpose of ITC Seminars' rules and regulations, a Participant is defined as one whose enrollment/registration has begun (typically, enrollment/registration begins upon completing the CE activity/program registration and payment authorization forms, and upon processing the whole or part of the course tuition, if any), and who:

- i. is currently participating in one of ITC Seminars CE activities,
- ii. has completed the immediately previous CE activity and/or has registered for the next scheduled CE activity,
- iii. is officially representing ITC Seminars during a period between regular CE activities, or
- iv. is not officially registered for a particular CE activity, but who has a continuing relationship with ITC Seminars.

An individual may be reviewed under this Code if an allegation of academic integrity violation is made after the Participant has left ITC Seminars or CE activity and CE credits has been granted.

a. Timeliness:

Generally, a matter will be reviewed only when a report has been filed with the ITC Seminars within one year of discovery of the alleged violation. There is no time limit for cases involving academic, sexual, interpersonal, and protected class misconduct, and those matters will be reviewed whenever they are reported.

2. Jurisdiction:

ITC Seminars jurisdiction and discipline shall not be limited to conduct which occurs on the CE activity's premises or within the academic community, is associated with ITC Seminars sponsored or related activities, or which adversely affects ITC Seminars community and/or the pursuit of its objectives, including participant-to-participant sexual misconduct, or conduct that violates federal or state law. ITC Seminars has the authority to enforce its Conduct Code regardless of where the conduct occurred.

3. Standard of Proof:

The standard of proof to find a violation of the Participant Conduct Code is a preponderance of the evidence. Preponderance of the evidence means that based on the totality of evidence and reasonable inferences drawn therefrom, it is more likely than not that the Respondent committed the prohibited conduct charged. Put another way, the preponderance of the evidence means such evidence that when weighed against that opposed to it, has the more convincing force and the greater probability of truth.

4. Status of Participants Pending Participant Conduct Review.

The status of a participant, in most cases, will not be altered and disciplinary sanctions will not be implemented until completion of an initial review.

In some cases, Interim Protective Measures may be imposed when there is information that, if true, indicates the participant poses a substantial threat: (i) to the safety or well-being of anyone in the academic community; (ii) to the property within the academic community; or (iii) of disruption or interference with normal CE activity functions. Some factors considered in determining whether to authorize interim protective measures include:

- The nature and scope of the alleged conduct, including whether the reported behavior involved the use of a weapon or force;
- The risk posed to any individual or to the academic community including the risk of additional violence or significant disruption of CE activity's function;

- Whether there have been other reports of other prohibited conduct or other misconduct by the Participant;
- Whether the report reveals a pattern of misconduct related to prohibited conduct at a given location or by a particular group;
- ITC Seminars' obligation to provide a safe and non-discriminatory environment;
- The timing of the investigation in the academic calendar; and
- The ability of an interim measure to reduce or mitigate the threat.

Interim Protective Measures are actions taken by ITC Seminars after a report of prohibited conduct but prior to a final decision. Such measures do not indicate that ITC Seminars has made a decision about the report of prohibited conduct. These measures may be modified at any time and may be kept in place pending a final decision.

Interim Protective Measures may include exclusion from all or part of the CE activity; prohibition from representing ITC Seminars in any capacity; or interim suspension (exclusion from all classes, CE activities, seminars and programs; prohibition of participation in ITC Seminars-sponsored activities; and exclusion from CE activity related premises).

Interim Protective Measures are imposed by the Advisory Committee, at the request of the Director and/or President of ITC Seminars, following review and discussion (either in person or by teleconference) of the information that indicates that the Participant presents a substantial threat.

A participant subject to Interim Protective Measures is given prompt written notice of the basis for the interim measure. The Advisory Committee's decision may be appealed by the participant by submitting a written request to ITC Seminars within 15 calendar days of the notice. Any Interim Protective Measures imposed by the Advisory Committee will not be stayed pending the interim action appeal. The sole basis for an interim action appeal is that less protective measures could adequately reduce or mitigate the threat. Decision on the interim action appeal will be made by the President of ITC Seminars or their designee.

Failure to comply with Interim Protective Measures or an Avoidance of Contact Directive is a separate and independent violation. A participant may be found in violation for failure to comply with an Interim Protective Measure or an Avoidance of Contact without being found responsible for the underlying report of prohibited conduct.

The imposition of Interim Protective Measures does not relieve the participant from financial obligations to ITC Seminars.

5. Administrative holds affecting registration transactions, or provision of CE credits may be placed under certain circumstances. Such circumstances may include failure to respond to a written notice to meet with a designated ITC Seminars' official, or failure to complete disciplinary sanctions by an established deadline. This restriction normally will remain in effect until disciplinary obligations are met or adjudication of the matter is complete.

6. Status of Participants Pending External Review.

When a participant is under investigation by an outside law enforcement agency, the status of the participant may be altered prior to the initiation of the participant conduct process by ITC Seminars in accordance with the process for imposing Interim Protective Measures. Changes in status may include exclusion from all or part of academic community, exclusion from specified activities or areas of activity, interim suspension, or prohibition from representing ITC Seminars in any capacity.

Some factors considered in determining whether to alter the status prior to the initiation of the participant conduct process include:

The nature of the alleged crime, including whether the crime involved the use of a weapon or force, significant loss of property, or a vulnerable victim;

- The degree of the crime;
- The risk posed to any individual or to the academic community including the risk of additional violence or significant disruption of CE activity or function;
- Whether there have been other reports of misconduct by the participant;
- ITC Seminars' obligation to provide a safe environment.

III. Expectations for Participants' Conduct

The general principles set forth here and behavioral standards are intended to provide clear guidelines for participants as to what is expected of them as members of the academic community, and to inform participants of types of conduct that may result in ITC Seminars disciplinary action.

1.03 Summary of Participant Conduct Code Review Process

ITC Seminars is responsible for the integrity of the Participant conduct system. It gives advice and is responsible for procedural questions and conduct reviews, except for reviews of Sexual, Interpersonal, and Protected Class Misconduct.

1.04 Participant Procedural Protections

ITC Seminars is committed to the timely and fair resolution of disciplinary problems in an adjudicatory process. Although the Participant Conduct Code affords significant procedural protections in the adjudicatory process, this does not include the right to confront accusers or be represented by counsel.

Participants accused of violating the Participant Conduct Code are granted the following procedural protections:

I. Written notice via email of the incident report that specifies the nature of the alleged violation and the basis for the charge including the date or period of time and location regarding the alleged incident.

II. Written notice of the location of copies of the Participant Conduct Code and Conduct Review System.

III. Written notice of the requirement that the participant must meet with a review officer. ITC Seminars reserves the right to conduct reviews in absentia when a participant fails to respond after proper notice has been given or after ITC Seminars has exercised reasonable effort to notify the participant of the allegations.

IV. A fair and impartial review of the incident. If the participant identifies concerns about potential actual bias or conflict of interest in the process, they should notify the Director of ITC Seminars in writing as soon as possible. Actual bias is an articulated prejudice in favor of or against one party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the decision makers in the process. Where actual bias or conflict of interest is established, the process will be managed by individuals identified by ITC Seminars that eliminates the identified bias or conflict.

V. Prior to a review, a summary of rights, review procedures and avenue of appeal.

VI. The opportunity to inspect relevant documents and relevant information gathered during the review; and to provide names of relevant witnesses and relevant information.

VII. If the participant declines to present information on their own behalf, this will not be construed as an admission of responsibility.

VIII. A written decision outlining the results of the review. In Summary Administrative Reviews, this includes the factual basis for the conclusions drawn.

Participants' conduct records are maintained as a confidential participant disciplinary file. As a primary document in such files, distribution of written decisions is limited to participants and to ITC Seminars personnel charged with responsibility for implementation of sanctions. Reporting parties may be notified by separate letter of the outcome of the review.

IX. The opportunity to appeal the initial review within ten business days of receipt of the written decision. Both the participant and the reporting party may be notified in writing of the outcome of any appeal. Notice will be emailed to the participant's email address of record, unless the participant make arrangements in advance with the review officer to have the decision mailed to the participant's last known address. If a notice is mailed, it is deemed to be received three days after it is mailed.

X. A timely initial review conducted as soon as possible after the Advisory Committee has received all pertinent documents of the case. Due to the nature of ITC Seminars' academic calendar, ITC Seminars may not be able to conduct a review at any specified date or time.

2.0 Behavior Violating ITC Seminars Standards and Appropriate Sanctions

The Participant Conduct Code articulates violations that are most common and readily identifiable. Conduct violating academic community standards that is not specifically mentioned may still be subject to disciplinary action.

Where conduct under any provision of this Code involves participant sexual, interpersonal, or protected class misconduct, the Policy on Prohibited Discrimination, Harassment, and Retaliation applies.

2.01

1. Distribution or use of notes or recordings based on CE activities or lectures without the express permission of the ITC Seminars and instructor(s) for purposes other than individual or group study. This includes, but is not limited to, providing materials for distribution by services publishing CE activity lecture notes. This restriction on unauthorized use also applies to all information, which had been distributed to participants or in any way had been displayed for use in relationship to the activity, whether obtained in activity, via email, on the Internet or via any other media.
2. Recording a CE activity without the express permission of the instructor and announcement to the class. Recording can inhibit future free discussion and thus infringe on the academic freedom of other participants as well as the instructor.

1. Failure to comply with CE activity protocols, policies, procedures, or instructions.

2.02

1. Any attempt to hinder the work of another participant or any act which may jeopardize another Participant's academic standing.

2.03

Falsification, alteration, or misrepresentation of official or unofficial records or documents including but not limited to enrollment requirements, letters of recommendation, and admissions applications or related documents.

2.04

Participating in a CE activity for someone else or allowing another individual to attend a CE activity in one's stead.

2.05

1. Accessing, altering and/or using unauthorized information.

2.06

A. Dishonesty by a participant (or someone acting on their behalf) such as furnishing false information to any academic official, faculty member or office. This includes, but is not limited to, furnishing false information in academic petitions.

Falsification, alteration or misrepresentation of official or unofficial records or documents including but not limited to resume/CV, academic documentation, letters of recommendation, and admissions applications or related documents.

Taking a CE activity or course for another person or allowing another individual to take a CE activity or course, or a portion of a course in one's stead.

B. Failing to participate fully and truthfully in ITC Seminars investigations.

2.07

1. Conducting oneself in a manner that endangers the health or safety of oneself within the academic community or at an ITC Seminars CE activity, sponsored or related events.
2. Conducting oneself in a manner that endangers the health or safety of other members or visitors within the academic community or at an ITC Seminars CE activity or sponsored or related events.

2.08

1. Unauthorized entry, presence in or use of academic premises, facilities or property.
2. Unauthorized entry into, or presence in, the dwelling or property of another.

2.09

1. Forgery, unauthorized alteration or unauthorized use of any academic document, records, keys or instruments of identification, or of documents or records related to functions of ITC Seminars.
2. Unauthorized presentation of oneself as a representative of ITC Seminars for the purpose of gaining or attempting to gain privilege, convenience, goods or services.
3. Possession, manufacture or distribution of false or altered instruments of identification within the academic community.

2.10

Theft (or attempted theft) of property or of services within the academic community; possession of stolen property regardless of origin; or misappropriation of ITC Seminars resources.

2.11

1. Causing physical harm to any person in the academic community or at ITC Seminars CE activities.
2. Causing reasonable apprehension of harm to any person in the academic community or at ITC Seminars CE activity.

Note: Self-defense is that which reasonably appears necessary, in view of all the circumstances of the case, to prevent injury and remove oneself from the situation.

2.12

Destroying, damaging or defacing the property of others, whether in the academic community or at ITC Seminars CE activities.

2.13

Behavior which disrupts or interferes with normal academic or ITC Seminars CE activities, including, but not limited to, study, teaching, research, officially invited speakers, academic administration, public safety, or fire, police or emergency services or other authorized activity.

2.14

Failure to comply with directions of ITC Seminars officials (including faculty, staff, personnel) acting in the performance of their duties while in the academic community or at CE activities, or resisting or obstructing such ITC Seminars officials in the performance of their duties, including failure to carry and/or provide upon request appropriate personal identification.

Non-compliance with CE activity's instructions, direction, and/or Academic Standards.

Unwillingness to follow protocol, directions, and instructions set forth by ITC Seminars' staff and/or faculty.

Displaying disruptive and/or interruptive behavior prior to, during, or after CE activity that negatively impacts the CE activity, academic community and/or other participants, staff, faculty, or any individuals present during CE activity and/or part of the academic community such as patients, guests, etc.

2.15

Unauthorized use, possession or dissemination of alcohol or tobacco products in the academic community or at CE activities.

2.16

Use, possession or dissemination of unauthorized or illegal drugs, or drug- related paraphernalia in the academic community or at CE activities.

2.17

Behavior which disrupts or interferes with the freedom of expression of others in the academic community or at CE activities.

2.18

Participation in or promotion of a disturbance of the peace or unlawful assembly in the academic community or at CE activities, which may include violating published ITC Seminars guidelines regarding amplification equipment and noise.

2.19

A. Engaging in disruptive or disorderly conduct in the academic community or at CE activities.

B. Engaging in or encouraging lewd, indecent or obscene behavior in the academic community or at CE activities.

C. Encouraging or permitting others to engage in misconduct prohibited within the academic community, failing to confront and prevent the misconduct, notify an appropriate academic official of the misconduct, or remove oneself from the situation.

2.20

Initiating or causing to be initiated any false report, warning or threat, such as that of fire, explosion or other emergency in the academic community or at CE activities.

2.21

1. Misusing or damaging fire safety equipment or other emergency equipment in the academic community or at CE activities.
2. Failure to evacuate during a fire alarm, whether the alarm is activated falsely, as a drill, or in a genuine emergency.
3. Inappropriate use of flammable substances or equipment, or use of such items without proper authorization.

2.22

1. Unauthorized use or possession of firearms or replicas, ammunition, explosives, knives, flammable substances or other weapons, or parts thereof, in the academic community or at CE activities

2. Unauthorized use or possession of fireworks in the academic community or at CE activities.

2.23

Knowingly violating the terms of any disciplinary sanction imposed in accordance with the Participant Conduct Code. This includes further violations during a period of disciplinary probation.

2.24

1. Violating any policies, rules, directives or regulations of ITC Seminars including but not limited to administrative rules of academic offices.

2.25

Engaging in harassing behavior.

2.26

Any act chargeable as a violation of local, state or federal law may be cited as a violation of the Participant Conduct Code, whether or not charges are brought by civil authorities, when such act(s) occur on academic premises, or at CE activities or events, or when such conduct adversely affects the academic community and/or the pursuit of its objectives.

2.27

Where conduct under section 11.54 involves participant sexual, interpersonal, or protected class misconduct, the conduct will be subject to review under the Policy on Prohibited Discrimination, Harassment, and Retaliation.

2.28

Threatening, attempting, or committing retaliation against anyone who, in good faith, brings a complaint under the ITC Seminars Handbook policy, academic policy, or applicable law; or participates in investigation of such a complaint; or protests in good faith alleged discrimination, harassment or retaliation against another. Such retaliation may include, but is not limited to:

- Coercion, intimidation, interference, harassment or vexatious behavior;
- Excluding or blocking someone from a team, CE activity, organization, or course participation due to that person's having filed a complaint or been a witness as part of an investigation;
- Spreading negative information about the individual.

2.29

Sanctions for violations of the Participant Conduct Code are assessed appropriately for the cited violation.

Sanctions will be considered in light of a participant's comprehensive conduct record. Sanctions will be designed to hold participants accountable for their actions; to promote their physical, intellectual, social and emotional well-being; to protect the integrity of the educational environment of ITC Seminars CE activities and academic community; and to ensure the safety of every member of its community.

All academic integrity violations will result in an academic consequence. Failure to comply with the terms of any imposed sanctions may be considered an additional violation.

When a Participant's enrollment is cancelled, limited, or modified as a result of an Interim Protective Measure or disciplinary action, ITC Seminars' policy is not to refund tuition or any fees associated for the cancelled enrollment.

Once Continuing Education (CE) hours and credits have been awarded to a participant, ITC Seminars does not provide refunds or offer any form of compensation.

One or more of the following sanctions may be imposed for violations of ITC Seminars' regulations.

2.30

Expulsion from ITC Seminars CE activity: Permanent termination of Participant status. A permanent notation will appear on the participant's record. The participant will be excluded from all classes, seminars, and programs; will not be allowed to participate in any ITC Seminars CE related activity; may not receive CE credits or recognition; and is barred from academic and CE activity-related premises. If the expulsion becomes effective during a CE activity for which the participant currently is enrolled, the participant's enrollment and participation will be cancelled by ITC Seminars.

2.31

Suspension from ITC Seminars CE activity: Termination of participant status for a specified but limited period of time. During the period of suspension, the participant will be excluded from all classes, seminars and programs; will not be allowed to participate in any CE activities; is barred from academic premises. A restriction will be placed prohibiting the participant from participation in any CE related activities. The restriction will not be removed, and the participant will not be allowed to participate in any CE related activities, until the stated period of suspension has expired and all disciplinary obligations have been met. A notation will appear on the participant's record.

Violation of the conditions of suspension, ITC Seminars policies or regulations during the period of suspension may be cause for further disciplinary action, usually in the form of expulsion from ITC Seminars and its CE activities. Normally after the suspension, the participant will be on disciplinary probation for a specified period of time. If the suspension becomes effective during a CE activity for which the participant currently is enrolled, the participant's enrollment will be cancelled by ITC Seminars.

Participants placed on deferred suspension may continue to participate in ITC Seminars activities unless specific sanctions or other rules or regulations restrict such participation.

2.32

Revocation of Admission: The participant loses admitted status to ITC Seminars and CE activity. The participant may not continue enrollment or enroll for future activities and may not receive CE credits. Normally, revocation of admission precludes the participant from the opportunity to apply to or be admitted to any program or CE activity with ITC Seminars in the future. A permanent notation will be made on the participant's record indicating that admission was revoked and the date of the action. If the revocation of admission becomes effective during a CE activity for which the participant currently is enrolled, the participant's enrollment will be cancelled by ITC Seminars.

2.33

Revocation of CE credits: The participant loses the right to claim the CE credits as earned. A permanent notation will be made on the participant's records indicating the revocation, the CE activity involved and the date of the action.

Dismissal from a CE activity: Permanent termination of the Participant's right to enroll or participate in the CE activity, seminars and/or programs of ITC Seminars.

Removal from an individual CE activity or section of a CE activity. Removal precludes the participant from participation in and attendance of the CE activity or section, or any of its sessions. In multiple section courses, the participant will not necessarily be allowed to transfer to another section.

2.34

Disciplinary Probation: Indicates that the participant has engaged in unacceptable behavior and may be required to report to ITC Seminars Advisory Committee or designee and meet specific conditions related to the violation during the probationary period. Additionally, the participant is given written notice that any further violations of ITC Seminars policies may result in more severe sanctions such as removal from ITC Seminars activity, suspension, dismissal from an academic unit or expulsion from ITC Seminars. Participants placed on disciplinary probation may continue to participate in CE activities unless specific sanctions or other academic and organizational rules or regulations restrict such participation.

2.35

Warning: Written notice to the participant that continued or repeated violations may be cause for further disciplinary action, normally in the form of disciplinary probation, suspension or expulsion.

2.36

Restitution: Reimbursement for damage to academic property or for misappropriation of academic property or services may be imposed in combination with other disciplinary action where appropriate. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be assigned for minor damage to the property of individuals or groups within the academic community, but adjudication of participant discipline usually will defer determination of significant restitution to other appropriate processes.

2.37

Jurisdiction and Participant Responsibilities in Live Patient CE Activities: ITC Seminars retains full authority over all Continuing Education (CE) activities conducted. ITC Seminars reserves the right to modify, limit, or restrict a participant's involvement in any CE activity at its sole discretion. In cases where CE activities involve treatment or surgical procedures on live patients, ITC Seminars maintains full authority over the nature and extent of those treatments or procedures. The safety, rights, and protection of the patient are the highest priority, and ITC Seminars faculty are entrusted with upholding these standards.

Participants in CE activities involving live patients are required to treat all patients as assigned by ITC Seminars. Failure to treat any assigned patient, failure to complete a treatment or surgery, failure to adequately perform a treatment or surgery, or any form of malpractice will result in the participant being held fully liable for such actions. Consequences for these failures may include, but are not limited to, suspension, expulsion from the course, revocation of CE credits, or other disciplinary actions as outlined in this handbook.

ITC Seminars reserves the right to modify, limit, or restrict a participant's involvement in any treatment or procedure, without obligation to provide an explanation or justification. Such limitations or modifications are made in the interest of patient safety, maintaining the integrity of the course environment, and ensuring the safety and well-being of participants, faculty, and staff. Any failure by a participant to comply with these decisions will result in disciplinary action. ITC Seminars shall not be held liable for any claims arising from limitations or restrictions placed on participant involvement in course activities. Participants acknowledge and accept that ITC Seminars holds full authority in these matters, and that no refund or compensation will be issued as a result of modifications, restrictions or limitations placed on their participation in any aspect of the course, including but not limited to live patient treatments.

2.38 Medical Amnesty/Good Samaritan Policy

Because ITC Seminars places a high priority on participant health and safety, the purpose of this policy is to encourage participants to take immediate action in the case of an emergency.

Details regarding amnesty to participants who report sexual, interpersonal, or protected misconduct are available in the Policy on Prohibited Discrimination, Harassment, and Retaliation.

3.0 Incident Report

Faculty or staff may initiate an incident report against a participant for an alleged violation of the participant Conduct Code by submitting a written incident report to ITC Seminars.

3.01 Contents of an Incident Report

A report of an alleged violation should consist of a clear, concise written statement that contains the following information:

- I. A list of any and all parties against whom the incident report is being filed.
- II. A description of the alleged misconduct, the date or period of time during which it occurred and the location where the incident(s) allegedly occurred.
- III. The name, address and phone number of the person making the report.
- IV. All incident reports are considered to have been made in good faith.

Upon receiving a report that a participant has allegedly violated ITC Seminars' and academic standards, the Advisory Committee, or designee, will review the report to determine whether there is good cause to proceed with the participant conduct process. The Director or designee may conduct such fact-finding as they see fit in order to determine whether a particular incident report has merit.

Participants who fail to respond to initial notification from ITC Seminars within five business days of the email notification or who cannot be contacted after reasonable attempts, remain subject to consequent sanctioning. If the participant fails to respond to the email notice to schedule an appointment with the designated member of ITC Seminars or designee, an administrative hold will be placed on the participant's record prohibiting the participant from performing registration transactions until an appointment is scheduled and completed. In addition, a Summary Administrative Review may be conducted in absentia when a participant fails to respond to initial notification.

3.02 Overview of Participant Conduct Reviews

In incident reports where there is good cause, the Director or designee will meet with the participant to conduct an Administrative Review, either Voluntary or Summary. At this Administrative Review meeting with the Director or designee, the participant has the opportunity to present any information regarding the incident, however, written statements from the

participant will not be accepted, and the participant is not permitted to create a recording or transcription of the meeting. The decision as to whether the matter should be resolved by ITC Seminars is at the sole discretion of the Director or designee.

3.03 Administrative Reviews

An Administrative Review consists of a meeting between the Director or designee (finder-of-fact), and the named Participant.

- I. In a Voluntary Administrative Review, the participant does not dispute the facts upon which the allegations are based, waives their right to further review, and accepts the decision by signing an Administrative Review form. Participants accepting the Administrative Review form retain the right to appeal to the appropriate appeal body only as to the appropriateness of the sanction.
- II. In a Summary Administrative Review, the participant may verbally deny some or all of the facts upon which the allegations are based, or the participant may dispute the appropriateness of the recommended sanction(s). The Director of ITC Seminars, or designated review officer, may determine the participant is responsible for the alleged violation(s) or dismiss the case, based on the preponderance of the evidence. Participants found responsible for violations under the Summary Administrative Review process retain the right to appeal to the appropriate appeal body on all grounds.

3.04 Adjudicatory Procedures

The following procedural guidelines apply to all reviews of Participant Conduct Code violations adjudicated by ITC Seminars:

I. Multiple Accused Participants

In reviews of incidents involving more than one participant, the Director of ITC Seminars or designee will determine whether the reviews concerning each participant be conducted separately.

II. Pending Criminal Charges

For cases in which criminal investigations and/or proceedings are concurrent or pending against the accused participant directly, ITC Seminars normally may proceed independently of such investigations or proceedings. The participant or the reporting party may request that ITC Seminars delay its proceeding. Such requests should be submitted in writing at least two business days prior to the scheduled review, to the Director of ITC Seminars, stating the requested action and the supporting rationale for the request. The Director or designee may grant the request but is not obligated to do so. The mere fact that criminal investigation or proceedings exist will not ordinarily be considered grounds for delay.

However, the Director of ITC Seminars may coordinate with law enforcement to ensure the academic process does not interfere with the integrity or timing of the criminal investigation. At the request of law enforcement, ITC Seminars may temporarily defer its process.

Neither a decision by law enforcement not to proceed with arrest or prosecution, nor the outcome of a criminal proceeding in favor of the accused, are themselves determinative in the academic proceeding or the determination that a Conduct Code violation has occurred. However, conviction of a criminal offense may be dispositive in a Conduct Code review.

III. Relevant Information

It is the responsibility of the review officer to render determinations concerning relevance of information to be presented as part of the review. Rules of evidence and discovery used by federal and state judicial proceedings shall not be applicable to reviews described in this Code. The review officer will consider information that is relevant, material, and temporally proximate to the conduct at issue; in other words, information that makes the existence of a fact or inference more or less likely.

The review officer may exclude information that is not relevant or is not considered credible or reliable in the investigatory process. For instance, polygraph tests will not be considered in determining whether a fact exists. Character witnesses, statements, or letters are also not considered (examples of character evidence include statements, resumes, transcripts, and letters from friends, family, or faculty).

IV. Standard of Proof

The burden of proof shall at all times rest upon the reporting party. The standard of proof for deciding against the accused participant shall be such evidence that, when weighed against that opposed to it, has the more convincing force and the greater probability of truth.

V. Decision

For cases in which a Participant is found not responsible for violating the Participant Conduct Code, no sanctions will be assessed. For cases in which a participant is found responsible for violating the participant Conduct Code, sanctions will be assessed.

3.05 Disciplinary Records

For certain cases or when a participant is determined to be responsible for a violation of ITC Seminars standards by any participant conduct process, a disciplinary record of the matter will be maintained in a confidential file by ITC Seminars. Expulsion, suspension, revocation of CE credits and revocation of admission will result in permanent participant conduct files.