



# TITLE IX SEX DISCRIMINATION AND SEXUAL HARASSMENT POLICY

## Non-Discrimination Policy

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits discrimination on the basis of sex in federally assisted education programs or activities. Title IX protects students, employees, applicants for admission and employment, campus visitors, by-standers, parent/guardians acting on behalf of minors, and other persons from all forms of sex discrimination, including sexual harassment.

Tulsa Welding School, Tulsa Welding School & Technology Center, The Refrigeration School, or Campus Support Center/StrataTech Education Group (hereinafter referred to as “School”) does not discriminate on the basis of sex in its educational programs and activities, including admission and employment, and is prohibited by Title IX from discriminating in such a manner. The School prohibits all forms of sex discrimination and sexual harassment as defined below, which includes sex offenses.

Questions regarding Title IX may be referred to the Title IX Coordinator (see below for contact information) or to the Assistant Secretary for Civil Rights of the U.S. Department of Education’s Office for Civil Rights.

## Title IX Coordinators

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## Definitions

**Sex-based harassment** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. Quid pro quo harassment: An employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct;
2. Hostile environment harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity; or
3. Specific Offenses: Sexual assault, dating violence, domestic violence, or stalking (as defined below).

**Sex offenses** include dating violence, domestic violence, sexual assault, and stalking.

**Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence** is a felony or misdemeanor crime of violence committed 1) by a current or former spouse or intimate partner of the victim; 2) by a person with whom the victim shares a child in common; 3) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; 4) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or 5) 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 jurisdiction in which the crime of violence occurred.

**Sexual assault** is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent that meets the definition of rape, fondling, incest, or statutory rape.

**Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for the person's safety or the safety of others or 2) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Consent** is when someone agrees, gives permission, or says yes enthusiastically to sexual activity with someone else. Central to the concept of consent is the understanding that every person has a right to control his/her body and to not be acted upon by someone else in a sexual manner unless he/she gives clear permission to do so. The person initiating the sexual activity is responsible for obtaining permission from the person or persons he/she wants to engage in sexual activity with. Consent is always freely given, and every person involved in a sexual situation must feel that they are able to say “yes” or “no” at any point during sexual activity. Absence of clear permission means you cannot touch someone. In most cases, consent should be a clear verbal agreement. However, if a person is seeking consent from someone who cannot communicate verbally, he/she should obtain consent using another agreed-upon method of communication. Non-verbal communication includes sign language, writing or typing messages, gestures, nodding or shaking one’s head, and blinking, to name just a few.

**Complainant** means an individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment or sex discrimination.

**Respondent** means any individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

## Transgender Protection

The School may not separate or treat any person differently based on sex or prevent a person from participating consistent with their gender identity that subjects them to more than de minimus harm.

## Pregnancy and Related Conditions

The School is prohibited from providing differential treatment of students, employees, or applicants on the basis of pregnancy or related conditions

1. Required to provide reasonable modifications to allow those pregnant or with related conditions to have continued access to schools’ education program or activities
2. Required to provide reasonable break-time and lactation space that is clean, private, and not a bathroom
3. Prohibited from requiring documentation from students to obtain modifications unless such documentation is necessary and reasonable
4. Required to provide voluntary leave of absence & reinstatement

If a student (or parent/legal guardian) or employee discloses a pregnancy or related condition to any staff member, that staff member must promptly share the contact information for the Title IX Coordinator.

## Procedures for Reporting Sex Discrimination or Sexual Harassment

Any member of the Campus community may file a report of sex discrimination or sexual harassment with the Title IX Coordinator. The contact information for the Title IX Coordinator is provided at the beginning of this policy. The following officials with authority (OWA) are also required to report any incidents of sex discrimination or sexual harassment to the Title IX Coordinator: All individuals at the Director level or higher.



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### **Initial Contact with Complainant**

Upon receiving a report of sex discrimination or sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures (see below), consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, explain the process for filing a formal complaint of sexual harassment, and describe the grievance process for either sex discrimination or sexual harassment (as appropriate). The complainant will be provided with a copy of the Title IX policy.

If the complainant (student or employee) is reporting a sex offense, the Title IX Coordinator will also provide a written notification of the available supportive measures, a written notification of existing resources for victims at the institution and in the community (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims), a list of rights and options for victims of sexual violence, information about options for involving local law enforcement and campus security, and options for obtaining a protective order (if relevant). The Title IX Coordinator will offer assistance contacting law enforcement if the complainant desires but will also explain that contacting law enforcement is not required.

### **Supportive Measures**

Upon receipt of a report of alleged sex discrimination or sexual harassment, the Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures with the appropriate department(s) at the institution. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the institution's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the institution's educational environment, or deter sexual harassment.

Supportive measures are determined on a case-by-case basis and may include counseling, schedule accommodations, academic accommodations, mutual restrictions on contact between the parties, escorts, limitations on extracurricular activities, increased security, and monitoring of certain areas of the campus, and other similar measures. When implementing supportive measures, the institution will make every effort to avoid depriving any student of his or her education.

The institution will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the supportive measures. If a complainant reporting a sex offense requests a supportive measure and it is reasonably available, the institution will provide such measure, regardless of whether the complainant chooses to report the incident to campus police or local law enforcement.

### **Emergency Removal**

In some circumstances, the institution may suspend a student-respondent from its education programs or activities on an emergency basis based on a report of sexual harassment. Before suspending the respondent, the institution will conduct an individualized safety and risk analysis to determine if there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment which justifies the removal of the respondent. If the institution makes the decision to temporarily remove the respondent, the Title IX Coordinator will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. The President will make all decisions regarding



emergency removal of students. The institution has the discretion to place employee-respondents on an administrative leave of absence during the pendency of the grievance procedure.

## Grievance Process for Reports of Sex Discrimination

When the Title IX Coordinator receives a complaint alleging that the institution or its employees have discriminated on the basis of sex in its education programs and activities, including admissions, employment, and athletics, the Title IX Coordinator will contact the complainant and investigate the complaint and report the findings of the investigation to the President for action. The complainant will be notified of the outcome of the complaint and any remedies provided by the institution to resolve any incidents of sex discrimination.

## Grievance Process for Formal Complaints of Sexual Harassment

The School is committed to providing a prompt, fair, and impartial grievance process to facilitate a prompt and equitable resolution for formal complaints of sexual harassment. The grievance process includes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process and the institution will not impose any disciplinary sanctions against a respondent until a determination of responsibility is made. All decision-makers involved in the grievance process are required to make an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person’s status as a complainant, respondent, or witness. Formal complaints of sexual harassment will be resolved through either the informal or formal resolution processes described below.

The Title IX Coordinator, Investigator, and any decision-makers will receive required training on this process and handling allegations of sexual harassment upon hire and annually thereafter. In addition, all employees, will receive at a minimum, training upon hire and annually thereafter on the issues related to dating violence, domestic violence, sexual assault, and stalking, and how to conduct an investigation and formal or informal meetings that protects the safety of victims and promotes accountability.

The institution will respond promptly in a manner that is not deliberately indifferent (i.e., clearly unreasonable in light of the known circumstances) to all formal complaints of sexual harassment. Any time frames listed below are subject to change for good cause. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Written notice of any delay or extension and the corresponding reasons will be provided simultaneously to the complainant and the respondent.

### Formal Complaints of Sexual Harassment

A formal complaint of sexual harassment must be filed by either the complainant or the Title IX Coordinator before the institution will initiate its grievance process for sexual harassment. If after meeting with the Title IX Coordinator, the complainant decides to proceed with a formal complaint of sexual harassment, the complainant should submit a written statement to one of the Title IX Coordinators in person, by mail, or by electronic mail. The formal complaint must include the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the institution’s education program or activity.

In cases where the complainant does not choose to file a formal complaint but where the Title IX Coordinator

after considering all of the circumstances determines that the institution must initiate the grievance process to avoid being deliberately indifferent (such as when an individual or other members of the community may be at risk), the Title IX Coordinator may sign the formal complaint. The School will not act with deliberate indifference in response to any formal complaint.

The institution may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **Dismissal of a Formal Complaint**

The institution must dismiss a formal complaint, if at any time during the investigation or hearing, the institution determines that:

- 1) the alleged misconduct does not meet the definition of sexual harassment (defined above);
- 2) The alleged misconduct did not occur within the institution's "education program or activity" (defined below); or
- 3) the alleged misconduct occurred against a complainant located outside of the United States.

An "education program or activity" for purposes of a formal complaint of sexual harassment includes locations, events, or circumstances over which the institution exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the institution within and outside of the US.

The institution may also dismiss a formal complaint, if at any time during the investigation or hearing:

- 1) the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- 2) the respondent is no longer enrolled at or employed by the institution; or
- 3) specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- 4) The School is unable to identify respondent after taking reasonable steps to do so
- 5) all dismissals are discretionary

The Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties (complainant and respondent) and will also notify the complainant of the right to appeal a dismissal. See below for more information on appeals. If a formal complaint is dismissed under the Title IX policy, the complainant may still be able to file a complaint under the Student Code of Conduct and Student Grievance Procedure.

### **Notice of Allegations**

After receiving a formal complaint of sexual harassment, the Title IX Coordinator will provide a written notice of allegations to the complainant and respondent in advance of an initial interview with the Investigator to give the parties sufficient time to prepare. The notice of allegations will include:

- 1) notification of the grievance process as well as the availability of an informal resolution;
- 2) a list of the allegations of misconduct, including sufficient details known at the time such as the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;

- 3) a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- 4) notification that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- 5) notification that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence; and
- 6) the provision in the institution's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the original notice of allegations, the Title IX Coordinator must provide notice of the additional allegations to the parties.

### **Informal Resolution Process**

An informal resolution process may be applied to resolve a formal complaint, except when the complainant is a student, and the alleged respondent is an employee. To initiate the informal resolution process, the Title IX Coordinator will review the process with the complainant and the respondent in a timely manner and elicit their interest in engaging this process. Each party must receive a written notice disclosing:

- 1) the allegations;
- 2) the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- 3) that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- 4) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Both parties must give voluntary, informed written consent to participate in the informal resolution process. To reach an informal resolution, the Title IX Coordinator will initiate whatever steps he or she deems appropriate to effect an informal resolution of the complaint acceptable to both parties.

If a satisfactory resolution is reached through this informal process, the resolution will be documented and signed by both parties. If both parties sign the resolution, they may not then pursue the formal resolution process (i.e., the investigation, hearing, and appeal processes described below). If these efforts are unsuccessful or if the complainant or respondent do not accept the informal resolution, the formal resolution process may commence. The complainant or respondent may request to end the informal process at any time to begin the formal resolution process. The complainant may request to end the informal or formal process at any time prior to a determination.

The institution seeks to conclude the informal resolution process within 30 days of the parties deciding to utilize this process, however, the process may be extended for good cause.

### **Formal Resolution Process**

The formal resolution process is used to resolve formal complaints of sexual harassment made by students or employees and includes an investigation, live hearing, determination of responsibility, and appeal.

At all times during the formal resolution process, the complainant and respondent will be provided the same



opportunities to have advisors present during the investigation, including the opportunity to be accompanied to any related meeting or hearing by the advisor of their choice. The advisor can be, but is not required to be, an attorney. If a party does not have an advisor for the live hearing, the institution will appoint an advisor of its choice without fee or charge to represent the party during the hearing and this advisor may be, but is not required to be, an attorney. However, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

In all cases, the Title IX Coordinator and Investigator will maintain regular, simultaneous communications in writing with both the complainant and respondent and provide both parties with equal opportunity to provide information, witness statements, evidence, and other information that may be necessary for the Investigator to fully investigate the alleged offense.

### **Investigation**

The Title IX Coordinator may use internal employees, or contract with an outside investigator. In either case, the individual(s) will investigate formal complaints of sexual harassment in a thorough, impartial, and prompt fashion. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties.

The Investigator will oversee the collecting of facts related to any reported sexual harassment and will notify and interview complainants, respondents, and witnesses. Both parties will have the opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence to the Investigator. During the investigation, the complainant and respondent will be provided with copies of or allowed to inspect all evidence collected. Either party may submit responses to the evidence to the Investigator or may submit any additional evidence contradicting or corroborating the evidence collected by the Investigator. However, the Investigator cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional which are made and maintained in connection with the provision of treatment to the party, unless the Investigator obtains that party's voluntary, written consent to do so for the grievance process.

At the conclusion of the investigation, the Investigator will prepare a written Preliminary Investigative Report fairly summarizing the relevant exculpatory and inculpatory evidence. The Investigator will provide the complainant and respondent and their advisors with a copy of the preliminary investigative report allowing a 10-day response period for both parties to review and respond to the report.

Once this 10-day response period is concluded, the Investigator will review any responses received and finalize the report. The complainant, the respondent and their advisors will simultaneously receive a copy of the Final Investigative Report at least 10 days in advance of the scheduled hearing.

The Investigator will investigate the complaint independent of any external law enforcement investigations that may be ongoing. Investigators may need to postpone the investigation until law enforcement has concluded the evidence gathering portion of their investigation but will resume the investigation as quickly as possible.

### **Hearing**

A hearing will be held for each formal complaint resolved through the formal process. The Title IX Coordinator will provide written notification of the date, time, location, participants, allegations, and purpose of the hearing, to all parties and witnesses whose participation is invited or expected within 10 days of the hearing to provide sufficient time to prepare to participate.

After the investigation is concluded, the formal complaint and Final Investigative Report will be forwarded to the Hearing Official. The institution reserves the right to appoint a decision-maker or hire an outside decision-maker to serve as the Hearing Official. The role of the Hearing Official will be to oversee the resolution of the complaint by interviewing all appropriate parties, including witnesses, determining the relevance of all questions posed under cross-examination, evaluating the relevance of all evidence submitted and rendering a decision of responsibility.

The live hearing will be conducted in a manner so that all parties can see and hear testimony at all times. During the hearing, the parties may be in the same room or in separate rooms (at the request of either party), or the hearing may be conducted virtually (in-part or in-whole) as long as there is appropriate technology to allow for the parties, their advisors, and the Hearing Official to see and hear each other at all times. The hearing will be recorded or transcribed, and a copy of the recording/transcription will be provided to both the complainant and respondent for review.

The parties to the formal complaint will be invited to appear before the Hearing Official, present any witnesses and evidence, and confront any adverse witnesses. The Hearing Official may conduct its own inquiry, call witnesses, and gather whatever information it deems necessary to assist it in reaching a determination of responsibility. The Hearing Official will enforce the following rules for questioning parties and witnesses:

- 1) Only the advisors for the parties or the Hearing Official may question a testifying witness (including a party), but the advisors must be allowed to question each testifying witness (including a party) directly, orally, and in real time. A party may not question the other party or the witnesses.
- 2) All questioning must be conducted in a professional and polite manner.
- 3) Questioners may only ask relevant questions. Before the party or witness answers a question, the Hearing Official must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- 4) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove
  - a. that someone other than the respondent committed the conduct alleged by the complainant, or
  - b. if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- 5) The Hearing Official may not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Official must not rely on any statement of that party or witness in reaching a determination regarding responsibility (including a statement made to the investigator during the investigation). The Hearing Official cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

### **Determination of Responsibility**

The Hearing Official will make findings of fact and conclusions as to whether the facts support the finding of responsibility for violation of the institution's policies using the preponderance of evidence standard. Thus, the panel must determine whether it is "more likely than not" or more than 50% likely that the conduct occurred.

After the hearing, the Hearing Official will issue a written determination regarding responsibility applying the preponderance of evidence standard, which will be provided simultaneously to the complainant and

respondent. The written determination will include:

- 1) a list of the allegations potentially constituting sexual harassment;
- 2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- 3) findings of fact supporting the determination;
- 4) conclusions regarding the application of the institution's policies or code of conduct to the facts;
- 5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- 6) any disciplinary sanctions imposed on the respondent;
- 7) any remedies designed to restore or preserve equal access to the institution's education program or activity that will be provided to the complainant; and
- 8) the procedures and permissible bases for the complainant and respondent to appeal.

If the Hearing Official determines that it is more likely than not that the respondent is responsible for the alleged sexual harassment, he/she should impose sanctions against the respondent and any additional remedies for the complainant. The Title IX Coordinator should forward the determination immediately to the appropriate administrators to implement the remedies and sanctions.

The Hearing Official can recommend the following sanctions if he/she finds that a student has violated this policy:

- **Warning:** The issuance of an oral or written warning or reprimand.
- **Probation:** Special status with conditions imposed for a defined period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation during the probationary period.
- **Required Compliance:** Satisfying institutional requirements, work assignments, community service, or other discretionary assignments.
- **Restitution:** Making compensation for loss, injury, or damage.
- **Restriction of Privileges:** The denial or restriction of specified privileges.
- **Suspension:** Separation of the student from the institution for a defined period of time, after which the student is eligible to return to the Institution. Suspension may include conditions for readmission.
- **Expulsion:** The permanent separation of the student from the Institution.
- **Withholding of Diploma or Degree:** The withholding of diploma or degree otherwise earned for a defined period of time or until the completion of assigned sanctions.

The Hearing Official can recommend the following sanctions if he/she finds that an employee has violated this policy:

- **Warning:** The issuance of an oral or written warning or reprimand.
- **Probation:** Special status with conditions imposed for a defined period of time and includes the probability of more severe disciplinary sanctions if the employee is found to violate any organizational policies or procedures during the probationary period.
- **Suspension:** Separation of the employee from the institution for a defined period of time, after which the employee is eligible to return to the institution. Suspension may include conditions for readmission.

- **Dismissal:** Terminal separation of the employee from the institution.

The Hearing Official can recommend the following remedies for the complainant: classroom adjustments or changes, academic support (tutoring, mentoring, flexible assignment due dates, allowing the student to make up coursework), allowing the student to retake a course and/or withdraw without penalty, counseling services, protective/no contact orders, or other remedies that may be appropriate given the circumstances. The purpose of remedies is to restore or preserve equal access to the institution's education programs or activities and remedies, unlike supportive measures, they need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. The Title IX Coordinator will be responsible for overseeing the implementation of any remedies in conjunction with the appropriate administrator.

The determination regarding responsibility becomes final either on the date that the parties receive the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## Appeals

Both parties involved have the right to appeal the determination regarding responsibility or the dismissal of a formal complaint to StrataTech Education Group's Chief Executive Officer and President, Mary Kelly, who will serve as the Appeals Officer. Notice of intent to appeal must be submitted within 10 days of the written notification of the determination or dismissal, and will be based on one or more of the following grounds:

1. Procedural irregularity that affected the outcome of the matter.
2. New evidence, which was not reasonably available at the time, the determination regarding responsibility or dismissal, was made, that could affect the outcome of the matter.
3. The Title IX Coordinator(s), Investigator(s), or Hearing Official(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The written notice of the intent to appeal must provide a written statement challenging the outcome. Both parties will be provided with a copy of the notice of intent to file an appeal and the appeal procedures by the Title IX Coordinator. The non-appealing party may submit a written statement supporting the outcome and/or objecting to the grounds on which the appeal was filed within 10 days of receipt of the notice of appeal. The Appeals Officer will consider the related documents (such as the investigative report, hearing transcript, determination of responsibility, and prior disciplinary records) but will not consider information that is not relevant, including information about the prior sexual history of the complainant. The Appeals Officer will issue a written decision describing the result of the appeal, the rationale for the result and the grounds on which the appeal was granted or denied. The decision of the Appeals Officer is final and will be issued simultaneously to both the complainant and the respondent, typically within 10 days of the deadline by which the parties must submit their written statements, absent extenuating circumstances.

## Confidentiality

Except as necessary to investigate and resolve complaints of sex discrimination or formal complaints of sexual harassment, The School will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.



For a report of sexual harassment where the complainant wishes to be anonymous and does not intend to file a formal complaint, the Title IX Coordinator will work with the complainant to provide supportive measures and will keep such supportive measures confidential to the extent possible (as described above in the section titled “Supportive Measures”). As discussed above in the section titled “Formal Complaints of Sexual Harassment”, there may be some circumstances where the Title IX Coordinator receives a report of sexual harassment and determines that he/she must sign a formal complaint to avoid being deliberately indifferent, even if the complainant does not wish to pursue a formal complaint. This may occur where there have been other similar accusations against the same respondent such that the institution is concerned about the safety of its students.

Any reports of sex offense must be reported to the Campus Security Officer so they may be included in the institution’s crime log and the Annual Security Report. Sex offenses can be reported without disclosing either party’s name or any other information that would identify the parties.

Complaints involving students are protected under the Family Education Rights and Privacy Act (FERPA) but may be disclosed for legitimate educational purposes within the institution. To disclose the information outside of the institution, any affected students would have to give explicit permission for the information to be shared, except as described below.

Under FERPA the institution does not need student consent to:

- 1) disclose to the complainant information about the sanction imposed upon a student respondent who was found to have engaged in sexual harassment when the sanction directly relates to the complainant;
- 2) disclose to the complainant the final results of a disciplinary proceeding against the student respondent, regardless of whether the institution concluded that a violation was committed, when the conduct involves a sex offense or a crime of violence including arson, burglary, robbery, criminal homicide, assault, destruction/damage/vandalism of property and kidnapping/abduction; and
- 3) disclose to anyone—not just the complainant—the final results of a disciplinary proceeding (including the name of the student respondent, the violation, and the sanction) if it determines that the student respondent is an alleged perpetrator of sexual assault or a crime of violence (see bullet above for examples), and, with respect to the allegation made, the student has committed a violation of the institution’s rules or policies.

## Retaliation; False Complaints

The School, the respondent, and other individuals may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or the implementing regulations, 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. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured Title IX, constitutes retaliation.

The School prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision of federal or state law, including Title IX and the Clery Act, or this policy.

Any instances of retaliation should be reported to the Title IX Coordinator immediately and may result in disciplinary sanctions independent of other sanctions already implemented under this policy. Reports of



retaliation by the institution will be investigated by the Title IX Coordinator (or an outside investigator if the report involves the Title IX Coordinator) through the grievance process for sex discrimination.

The School will not tolerate intentional false reporting of incidents. It is a violation of the institution's Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

## Dissemination

The Institution will notify applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Institution, of:

- The contact information for the Title IX Coordinator including the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator;
- The Institution's policy of non-discrimination; and
- The Institution's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the Institution will respond.

## Publication

The institution will display the contact information for the Title IX Coordinator and non-discrimination policy on its website and in each handbook or catalog for students and employees.

## Training

The Title IX Coordinator, Investigator, Decision-Maker, or any person designated to facilitate an informal resolution process is required to receive training on the following:

- the definition of sexual harassment in § 106.30;
- the scope of the Institution's educational programs or activities;
- how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable;
- how to serve impartially, including by avoiding prejudice of the facts, conflicts of interest, and bias;
- any technology to be used at a live hearing (Hearing Officer only);
- issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant (Decision-Maker only);
- issues of relevance to create an investigative report that fairly summarizes relevant evidence (Investigator only); and

- issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Any materials used to train these individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. The Institution will make the training materials publicly available on its website.

## Record Retention

The Institution will maintain for a period of seven (7) years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of the hearing, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Hearing Officers, Appeals Officers, and any person who facilitates an informal resolution process; and
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

In each instance, the Institution will document 1) the basis for its conclusion, 2) that its response was not deliberately indifferent, and 3) document that it has taken measures designed to restore or preserve equal access to the Institution's educational programs or activities. If the Institution does not provide a complainant with supportive measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Institution in the future from providing additional explanations or detailing additional measures taken.

## Title IX Role Identification:

**Officials with Authority** - Required to report any incidents of sex discrimination or sexual harassment to the Title IX Coordinator. The OWAs include all individuals at the Director level or higher.

**Title IX Coordinator** – Identified as the Campus President at each campus and is responsible for receiving Title IX complaints and ensuring the informal or formal process is adhered to.

**Investigator** – If using internal employees, the investigation will be completed by the Human Resources Department for any employees involved, or by the VP of Academics, or their designee, for any students involved.

**Hearing Official** – This role is held by the Chief Operating Officer and is responsible for obtaining all pertinent and available information prior to an applicable hearing, and listening to representatives from both sides, for those choosing to utilize the formal resolution process. This individual is responsible for determining the outcome of the hearing.



**Appeals Officer** – This role is held by the Chief Executive Officer and is responsible for reviewing all information, including the written appeal, to make a determination to uphold the original decision, or change the final decision/outcome.

**Compliance Department** – Responsible for oversight of the process and ensure timelines and policies are upheld. Additionally, the Compliance Department is responsible for training all employees within the company.