



## **POLICIES AND PROCEDURES TO COMPLY WITH TITLE IX REGULATIONS**

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In accordance with Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, Unitek College strives to provide an environment free from all forms of harassment, violence and discrimination, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Such conduct by employees or students is deemed unacceptable behavior and will not be tolerated by the College. The sections which follow detail the College's efforts to provide an environment for all employees and students which is free from sexual harassment, sexual assault, domestic violence, dating violence and stalking. Definitions of terminology used in the following sections is provided directly below to aid in the understanding of these policies, procedures and initiatives.

### **Definitions of Terminology Used**

To aid in the understanding of the College's policies and procedures regarding Title IX, the following are definitions of terminology used in the remaining sections of this Annual Security Report:

1. **Title IX** – Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.
2. **Title IX Coordinator** – the Title IX Coordinator is responsible for coordinating the College's responses to all complaints involving possible sex discrimination and harassment. For Unitek College, the Title IX Coordinator contacts are:

Don Corvin Senior VP of Compliance / Title IX Coordinator 1401 Dove Street, Suite 220 Newport Beach, CA 92660 (949) 590-4882 or <a href="mailto:unitekcompliance@unitek.com">unitekcompliance@unitek.com</a>	Sara Cramlet Senior VP of Human Resources 1401 Dove Street, Suite 340 Newport Beach, CA 92660 (949) 407-6685 or <a href="mailto:scramlet@unitek.com">scramlet@unitek.com</a>
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3. **Actual knowledge** – notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College.
4. **Deliberately indifferent** – a response would be considered deliberately indifferent only if it were clearly unreasonable in light of known circumstances.
5. **Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
6. **Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
7. **Education Program or Activity** – includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the harassment occurs.
8. **Formal complaint** – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be

participating in or attempting to participate in the education program or activity of the College with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. The “document filed by a complainant” may be a physical document or an electronic submission, such as an email, which contains the complainant’s physical or digital signature.

9. **Supportive Measures** – 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 College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter sexual harassment.

## Policy on Sexual Harassment

The College will respond promptly upon actual knowledge of sexual harassment against a person in the United States in an education program or activity in a manner that is not deliberately indifferent.

Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- A College employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (otherwise known as a *quid pro quo*);
- 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 College’s education program or activity;
- “Sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined under the Violence Against Women Act (VAWA) – *please see definitions included in the next section.*

Unitek College considers harassment a serious offense, and any violation of this policy which is determined through the investigation process will constitute cause for disciplinary action. Investigations are conducted by individuals who receive training on the issues related to sexual harassment, domestic violence, dating violence, sexual assault and stalking. Specific disciplinary action will be based on the severity of the incident and/or the degree to which repeated incidents have occurred. Such disciplinary actions for employees may include, but are not limited to, verbal warnings, letters of reprimand, suspension with or without pay, and termination. Such disciplinary actions for students may range from counseling to suspension and/or expulsion.

Unitek College is committed to preventing acts of sexual harassment and encourages any student or employee to report such acts immediately. Any person can report sexual harassment or discrimination (whether or not the person reporting is the alleged victim) in person, by mail, telephone or by email, using the contact information for the Title IX Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed. Along with taking these allegations very seriously, the College has also established procedures which provide a person accused of harassment the opportunity to respond to allegations.

Upon receiving a formal or informal complaint of sexual harassment, the College will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the grievance process detailed on the subsequent pages of this Annual Security Report before imposing any disciplinary sanctions or other actions which are not supportive measures against a respondent. The

Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, 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, and explain to the complainant the process for filing a formal complaint.

If the College determines that there is an immediate threat to the physical health or safety of any students or other individual arising from the allegation(s) of sexual harassment, the College may remove the respondent from the educational program or activity. If this occurs, the respondent will be provided notice and an opportunity to challenge the decision immediately upon removal. In the event the respondent is a non-student employee, the College may place the employee on administrative leave during the investigative process.

## Policy on the Awareness and Prevention of Dating Violence, Domestic Violence, Stalking and Sexual Assault

Unitek College strongly prohibits acts of dating violence, domestic violence, stalking, and sexual assault and is committed to fostering an environment of awareness and prevention. To that end, the College will investigate and/or execute disciplinary actions for all offenses of dating violence, domestic violence, stalking and sexual assault when the institution is made aware of such an occurrence.

In the state of California, affirmative consent must be determined among involved parties when engaging in sexual activity. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be rescinded at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Sexual assault results when affirmative consent is not given by one or more parties before or during sexual activity, regardless of the parties' existing or past relationship or non-relationship.

Anyone can be the victim of sexual assault, domestic violence, dating violence, or stalking, regardless of race, age, sexual orientation, religion, or gender. These offenses can impact individuals of all education levels and socioeconomic backgrounds, and may occur in both opposite-sex and same-sex relationships, as well as between intimate partners who are married, living together or dating.

These offenses not only affect the victims, but can also have a negative impact on family members, friends, co-workers, other witnesses, and the community at large. Children who grow up witnessing domestic violence may be among those seriously affected by this type of crime. Frequent exposure to violence in the home not only predisposes children to potential social and physical problems, but may also teach them that violence is a normal way of life, increasing the risk of them becoming society's next generation of victims and abusers.

To aid in identifying these offenses, we are providing the following definitions per the Violence Against Women Act of 1994 (VAWA). Please note that local jurisdiction definitions are also included, where available:

1. **Dating Violence** – 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 reporting party'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. For the purposes of this definition, 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. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. The state of California includes dating violence under domestic violence statutes.

2. **Domestic Violence** – a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner 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 or intimate partner; 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; and/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 jurisdiction in which the crime of violence occurred.

*Per California Penal Code 13700:* “Domestic violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the parties hold themselves out as spouses; (5) the continuity of the relationship; and (6) the length of the relationship.

*Per Nevada Revised Statute 200.366:* “Domestic violence” occurs when a person commits one of the following acts against or upon the person’s spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person’s minor child or any other person who has been appointed the custodian or legal guardian for the person’s minor child: (a) A battery; (b) An assault; (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform; (d) A sexual assault; (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to: (1) stalking; (2) arson; (3) trespassing; (4) larceny; (5) destruction of private property; (6) carrying a concealed weapon without a permit; and (7) injuring or killing an animal; (f) False imprisonment; and (g) Unlawful entry of the other person’s residence, or forcible entry against the other person’s will if there is a reasonably foreseeable risk of harm to the other person from the entry.

3. **Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

*Per California Penal Code 646.9:* “Stalking” means any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

***Per Nevada Revised Statute 200.575:*** A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking.

4. **Sexual Assault** – an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting system. Further, a sexual offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

***Per Nevada Revised Statute 200.366:*** A person is guilty of sexual assault if he or she: (a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct; or (b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.

- a. **Consent** – when someone agrees, gives permission, or says “yes” to sexual activity with other persons. Consent is always freely given and all people in a sexual situation must feel that they are able to say “yes” or “no” or stop the sexual activity at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional, psychological, physical, reputational, financial pressure, threat, intimidation, or fear (coercion or force).
- b. **Affirmative Consent** (California) – the affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.
- c. **Rape** – 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.

***Per California Penal Code 261:*** “Rape” is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the respondent.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the respondent. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the respondent, and this belief is induced by any artifice, pretense, or concealment practiced by the respondent, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

- d. **Fondling** – the touching of the private body parts of another person for the purposes 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.
- e. **Incest** – non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Per California Penal Code 285:** Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who



intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

**Per Nevada Revised Statute 201.180:** Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void who intermarry with each other or who commit fornication or adultery with each other.

- f. **Statutory Rape** – non-forcible sexual relations involving someone below the “age of consent”. A person below the age of consent cannot legally consent to having sex. This means that sex with them, by definition, violates the law. Statutory rape laws vary by state, with states setting the age of consent differently, as well as using different names to refer to this crime. California definitions are included in California Penal Codes 261.5(a) (below) and 261 (above under the “Rape” definition).

**Per California Penal Code 261.5(a):** Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

### Minimizing Risk

Throughout this report, Unitek College suggests ways to help minimize the risk of becoming a victim of criminal acts, including sexual offenses. These suggestions for risk reduction are not meant in any way to attribute blame to victims, but to provide an educational basis for identifying the signs of abuse. A perpetrator’s actions should never be excused or overlooked because of a victim’s behavior or judgments.

### Engaged Bystander Intervention

Bystanders are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, and/or do something about it. A bystander is someone who is present and thus potentially in a position to discourage, prevent or interrupt an incident. Engaged bystander intervention is the act of feeling empowered and equipped with the knowledge and skills to effectively assist in the prevention of sexual violence. Bystander intervention does not have to jeopardize the safety of the bystander.

Unitek College is an advocate for bystander intervention when it is conducted in a positive and safe manner and when it is executed to prevent harm in the event of potential domestic violence, dating violence, stalking or sexual assault on a person other than the bystander. Knowing how and when to intervene may be dependent in part on recognizing the situation as an emergency or non-emergency. A potential bystander can use the following steps to help decide if and how to intervene:

#### 5 Decision Making Steps

1. Observing the event
2. Interpreting the event as a problem
3. Assuming personal responsibility
4. Knowing how to intervene
5. Implementing the intervention

### Strategies If There Appears to be an Emergency Situation

Something to remember in a perceived emergency situation is not to take any action that may escalate the situation or put you or the victim in danger. You can decide to intervene directly (you are the primary helper) or indirectly (you enlist someone else to be the primary helper, e.g. the police, other students, school administrators, etc.). Whichever way you decide on how to intervene, remember to keep the person calm, gather as much information as you can, consider all options, and provide support. The following strategies are not meant to be all inclusive and may not apply in every situation, but are being providing as effective strategies for intervention in an emergency situation:

- Identify the best exit strategies for those involved to get out of the situation. If prudent, create a distraction to potentially allow the victim to get to a safe place.
- State any and all requests clearly and directly.
- Consider all actions before intervening and choose the safest methods.
- Remember that verbal fights can quickly escalate to physical fights. If this happens, it is sometimes better to walk away and not try to be a hero.
- Act quickly but safely before a problem turns into a larger problem or crisis.
- Vocalize your commitment to help and engage other bystanders, as needed.
- Consider your personal exposure or liability regarding actions you know about which are criminal.
- If it is not safe for you to intervene directly, call 9-1-1.

### Strategies in a Non-Emergency Situation

Similar to intervening in an emergency situation, a bystander can decide whether to act directly or indirectly as the best approach in a non-emergency situation. A direct intervention is speaking to the person directly, and an indirect intervention is speaking to another person who could be helpful or provide guidance, such as another student or a school employee. Again, the following strategies are not meant to be all inclusive and may not apply in every situation, but are being providing as effective strategies for intervention in a non-emergency situation:

- When evaluating the situation, remember to consider the frequency, duration and severity of the actions.
- Always be sensitive, understanding and non-judgmental.
- Recognize what you can and cannot do to help and engage others as needed.
- Identify the “red flags” and anticipate problems in advance of them happening.
- Create a distraction to delay or avoid a situation before it turns into an emergency.
- Do not make excuses for (or otherwise enable) the other person – hold strong to your beliefs regarding the situation.
- Hold any and all conversations in a safe environment.

### Signs of Stalking

Stalking is a form of emotional abuse which may lead to physical and/or sexual abuse, and may be perpetrated by an acquaintance, friend, past or current spouse or significant other, or by a complete stranger. The following examples may be indicators that you are being stalked:

- You receive repeated, unwanted, intrusive, and/or frightening communications from the perpetrator by phone, text message, email and/or mail
- An individual repeatedly leaves or sends you unwanted items or gifts
- An individual waits for you at places such as your home, school, place of employment, or other places you frequent



- You are receiving threats of harm to you personally, your children, relatives, friends, and/or pets
- You experience damage to your home, vehicle or other personal property
- You are being harassed, defamed and/or monitored through social media

This list is not meant to be all-inclusive but can provide examples to help you determine whether you or someone you know is being stalked. If so, please contact a CSA at your campus or seek other resources and support for help.

### Examples of Domestic and Dating Violence

Acts of domestic or dating violence can take on many different forms of abuse, among them being the following:

- **Sexual Abuse:** Coercing or attempting to coerce any sexual contact or behavior without consent. This includes, but is not limited to, rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.
- **Physical Abuse:** Slapping, hitting, grabbing, shoving, pinching, biting, hair pulling, etc. are all types of physical abuse. This type of abuse can also include denying a partner medical care or forcing alcohol and/or drugs use upon him or her.
- **Emotional Abuse:** Undermining an individual's sense of self-worth and/or self-esteem is abusive. Emotional abuse may include, but is not limited to, constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.
- **Economic Abuse:** Making or attempting to make a person financial dependent by maintaining complete control over financial resources, withholding one's access to money, or preventing an individual's attendance at school or employment.
- **Psychological Abuse:** Elements of psychological abuse include, but are not limited to causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property and forcing isolation from family, friends or school and/or work.

The following scenarios may be indicators that domestic or dating violence is occurring or may lead to instances of violence or abuse:

- Your spouse or significant other checks up on you constantly by calling or texting you and becomes anxious when he or she does not know your whereabouts
- You feel isolated from your friends or family members because your spouse or significant other is demanding of your time and acts jealous when you talk to or spend time with others
- A person you are dating becomes possessive and gets too serious about the relationship too quickly
- A spouse or significant other expects or demands sexual contact when you are not interested or not willing to engage
- Your spouse or significant other constantly demeans you by putting you down or calling you names
- Your spouse or significant other threatens violence and/or abuses you physically, verbally and/or sexually
- Your spouse or significant other does not accept responsibility for his or her actions
- You discover someone is obtaining personal information about you by accessing public records, using internet search services, hiring private detectives, rummaging through your trash, contacting your friends, family, co-workers, neighbors, etc.

While understanding the signs of abuse and taking measures to reduce the risk of abuse may be steps to help explain the context of violence and may act as a deterrent, it can never be used to place blame on the victim or guarantee that violence will not occur. It is important to remember that when violence or

abuse occurs, the perpetrator, not the victim, is responsible for his or her actions, and the victim's judgement or behavior is never an excuse for those actions.

If you have been a victim or believe you might become a victim of domestic or dating violence, taking the following proactive measures may help increase your safety:

### **In the home**

- Know where and/or from whom to get help, and memorize and/or program emergency phone numbers
- Plan your escape route when needed, and ensure all other inhabitants know it
- Pack a bag with cash, keys, and important documents and have it accessible in case you have to leave your home quickly

### **Outside the home**

- Vary your travel routes and shop and bank at different places, if possible
- Keep your cell phone with you and ensure 9-1-1 is programmed, along with any other emergency numbers
- Provide a picture of your abuser to friends and co-workers
- Avoid going to lunch alone

### **In an Emergency Situation**

- If you are able to, dial 9-1-1 immediately
- If in your home, stay away from the kitchen, as the abuser may easily obtain a weapon (i.e., a knife)
- Get to a lockable room which has a phone and a window or door to escape
- If you can escape, make a lot of noise and run to a nearby trusted neighbor for help

## **General Strategies to Help Prevent Sexual Assault or Other Violent Crimes**

The following are proactive measures an individual can take which may minimize the risk of you becoming the victim of sexual assault and may help contribute to the overall safety and security of your campus community:

- Use a "buddy" system and avoid walking alone, especially at night. Travel in well-lit areas and in pairs or a group, if possible. Avoid deserted areas and shortcuts.
- Let family and friends know where you are going, your method of transportation, and when you will return.
- Never hitchhike or get in a stranger's car.
- Avoid excessive alcohol consumption, which may impair judgment, especially in unfamiliar surroundings or situations. Additionally, to that end:
  - Be aware of rape drugs.
  - Do not leave your drink unattended and keep track of how many drinks you have had.
  - Only drink from un-opened containers or from drinks you have watched being made and poured.
  - Avoid group drinks like punch bowls.
  - If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find a friend and have him/her help you leave as soon as possible.
  - If you feel you have been drugged, get to a hospital to be tested.

- Always lock your door when you are home or away.
- Always lock your vehicle and keep your keys with you at all times.
- When possible, leave items of value at home.
- If you need to have valuables with you, never leave them visible in your vehicle.
- Avoid being distracted (talking on your cell phone, texting, etc.) when walking through parking lots or in other public areas.
- Do not leave personal property unattended in classrooms, labs, or in the student lounge.
- If you feel unsafe or threatened, contact the Front Desk Receptionist or a designated CSA, or dial 9-1-1.

Although the steps listed above cannot guarantee that criminal activity will not occur, they may serve as deterrents and reduce the risk of crime occurring.

### Policy on Retaliation

Unitek College believes strongly that students and employees have the right to be free from retaliation and intimidation in any form. To that end, Unitek College and its administration will not allow for intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, 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 by Title IX, constitutes retaliation and will not be allowed.

The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including 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, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the College's grievance procedures for sex discrimination. Any student or employee who is experiencing retaliation and/or intimidation should report this immediately to the Title IX Coordinator, the Human Resources Department, a Campus Security Authority, or to a member of the Corporate Security Team as identified in this Annual Security Report.

### Policy on Voluntary Reporting

Unitek College encourages any victim of sexual assault, domestic violence, dating violence or stalking to notify law enforcement immediately; however, the ultimate decision to do so and/or when to do so must reside with the victim. All victims have the right to deny assistance from or involvement with law enforcement. If a victim does decide to report the crime to law enforcement, the following one of two things can happen:

1. The victim can file a complaint but request not to have charges filed against the accused perpetrator(s). The decision to file charges can be made at a later time, but depending on the

amount of time that passes, evidence may be lost or unusable. Therefore, it is important that victims cooperative fully with any ongoing investigation and have a rape kit completed (if rape was involved) so that the chances for filing criminal charges in the future are greater, if so desired.

2. The victim can file a complaint and press charges immediately. This would involve full cooperation with law enforcement and the prosecutor's office to determine if the accused perpetrator can and will be charged criminally.

In addition to reporting the crime to law enforcement, victims should report these crimes to either or to both of the following College officials:

Don Corvin  
Senior VP of Compliance / Title IX Coordinator  
1401 Dove Street, Suite 220  
Newport Beach, CA 92660  
(949) 590-4882  
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Any person may report sex discrimination or sexual harassment (including sexual assault, domestic violence, dating violence, and stalking) in person, by mail, by telephone, or by email using the contact information above. The report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office addresses listed above. The College will assist by providing options for outside resources, pursuing an investigation, and/or conducting applicable disciplinary proceedings/actions.

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## Crime Awareness and Prevention Program

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The previous sections of this report contain policies and procedures which are designed to inform students and employees about campus security and to encourage and promote responsibility for their own security and the security of others. Employees and students are made aware of all services Unitek College provides during their respective orientations, in the college catalog, in student and employee handbooks, and in Unitek's policies and procedures, which includes this security report distributed annually and available to all students and employees 24 hours a day, 7 days a week. Unitek College's crime awareness and prevention program consists of promoting campus community awareness; providing suggestions and methods to minimize the risk of campus crime and violence; providing applicable resources to assist victims of crime; publishing crime statistics on an annual basis in the Annual Security Report; and ensuring that applicable investigations and disciplinary proceedings are conducted in the event of a crime occurring. Through the administration of this program, the College is committed to cultivating and providing an environment that is free of criminal activity and maintains a zero tolerance policy for criminal activity and sexual assault. In addition, the College feels strongly that increased safety and security can be achieved through the efforts of the entire campus community.

### Program to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

Unitek College's program includes community-wide awareness and is focused on the prevention of domestic violence, dating violence, sexual assault and stalking. In accordance with Clery Act requirements, the program is culturally relevant; inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.



As stated above, Unitek's program consists of primary prevention and awareness programs for all incoming students and new employees and provides for ongoing reinforcement and continual training opportunities for both students and employees. The components of this program are described throughout this Annual Security Report and consist of the following components:

1. Unitek's assertion that crimes of domestic violence, dating violence, sexual assault and stalking are strongly prohibited.
2. Definitions of domestic violence, dating violence, sexual assault, stalking, and what constitutes consent, including applicable definitions under local jurisdiction (state of California and Nevada).
3. Affirmation of Unitek's support for safe and positive bystander intervention and providing effective strategies and relevant resources.
4. Signs of domestic abuse, dating abuse, sexual assault and stalking to help students and employees identify when it could be happening to them.
5. Strategies to reduce the risk of becoming a victim of sexual assault or other violent crimes.
6. Procedures that victims should follow in the event of domestic abuse, dating abuse, sexual assault and/or stalking.
7. Efforts made by Unitek College to protect the confidentiality of victims and other applicable parties.
8. Current listing of applicable online and off-campus resources, categorized by location, for local law enforcement, emergency services, legal assistance, victim advocacy, restraining orders, and other services available for victims of sexual assault and/or abuse.
9. Options for assistance with protective orders and changes to living, working, transportation and school situations and schedules.
10. Procedures for applicable investigations and/or disciplinary actions in cases of alleged domestic violence, dating violence, sexual assault and stalking.

### Primary Prevention and Awareness Program

Unitek College has contracted with 360 Stay Safe (Omnigo Software) to deliver its VAWA Compliance Training program to incoming students and new employees. 360 Stay Safe provides holistic and community-based prevention/awareness training for higher education students and employees. This training is designed to equip students and employees with relevant, practical, and effective skills for building safe and healthy campus communities. The VAWA Compliance Training program for students includes both primary prevention and awareness components and consists of the following four modules/topics:

- *Forming Healthy Relationships* – covers relationship values and basic relational skills; recognizing healthy relationships and preventing relationship violence; identifying unhealthy relationships and warning signs of domestic and dating violence.
- *Sexual Assault* – includes definitions of non-consensual sex, sexual assault, acquaintance rape and date rape; legal consequences for these violent crimes; sexual violence; sexual assault prevention; ways to empower participants and others; and common myths regarding sexual assault.
- *Stalking* – discusses harmful behaviors that can lead to dangerous situations, including assault, such as subtle threats, emotional abuse, harassment, cyberstalking, and stalking.
- *Bystander Intervention* - with a focus on bystander intervention training and crisis intervention techniques, this module offers practical ways to empower members of your campus community

to protect one another and equips participants to see bystander intervention as a natural extension of their global citizenship.

VAWA Compliance Training for employees includes the following primary prevention and awareness learning points:

- There are different forms of sexual misconduct, and there are legal consequences for these violations.
- It is important to understand the definition of consent, and how to communicate consent.
- There are safe and positive options for bystander intervention or intervening on behalf of someone in need.

Both the student and employee programs provide opportunities for assessment by posing quiz questions at the end of each video module to assess the learner's comprehension of the subject matter. Learners must correctly answer the questions prior to moving on in the system. Incoming students and new employees are required to complete this training as part of their orientation process. The materials are also available to all students and employees 24 hours a day, 7 days a week, and as an ongoing campaign, students and employees are encouraged to revisit topics and retest as needed or desired. Additionally, to promote ongoing prevention and awareness for students and employees, informational notices are posted on campus bulletin boards and email blasts and/or social media posts are provided as applicable.

### If You Are a Victim of Sexual Assault or Domestic Violence

If you become the victim of a sexual assault or domestic violence, you should consider calling the police and seeking medical attention immediately. Additionally, if you fear for your safety or others around you, filing a protective order may be a good idea. We also encourage victims to report the offense to a CSA who will coordinate with Unitek College's Title IX Coordinator to provide you with support and resources, including assistance with notifying local law enforcement authorities, if so desired.

It is important to remember that being the victim of a sexual assault or domestic violence is not your fault. Nothing in what you said, the way you looked, where you were, or who you were with gives anyone the right to assault you. But regardless of this not being your fault in any way, you may still be feeling afraid, ashamed, angry, sad, helpless, betrayed or depressed. For this reason, it is important for you to seek help immediately after the attack and in the days and weeks following. The following are some things you can do if you have been sexually assaulted:

- If you are in danger or need medical care, call 9-1-1. If you can, get away from the person who assaulted you and get to a safe place as fast as you can.
- Save everything that may have the attacker's DNA on it. Do not brush, comb or clean any part of your body. Do not change clothes, if possible. Do not touch or change anything at the scene of the assault. That way the local police will have physical evidence from the person who assaulted you.
- Go to the nearest hospital emergency room as soon as possible, where you can be examined and treated for any injuries. In case of rape, you can be given medication to prevent HIV and other sexually transmitted infections and emergency contraception to prevent pregnancy. A doctor or nurse will use a rape kit to collect evidence which may include fibers, hair, saliva, semen or clothing left behind by the attacker.
- If you think you were drugged, talk to the hospital staff about being tested for date rape drugs, such as Rohypnol, Gamma Hydroxybutyrate (GHB), and other drugs.



- Call a friend or family member you trust or call a crisis center or hotline to help you find support and resources near you.

Victims of sexual assault or domestic violence are also encouraged to seek counseling help through WellConnect, a free counseling service available 24 hours a day, 7 days a week to all enrolled Unitek College students. Students are encouraged to call 1-866-640-4777 or visit <http://www.studentlifetools.com>. Other online resources to help prevent sexual assault and/or to help you in the event of sexual assault or domestic abuse are included below.

#### Online Resources:

1. The Rape, Abuse and Incest National Network (RAINN) is the nation's largest anti-sexual assault organization. The following strategies are recommended by RAINN to reduce potential risk:
  - a. Steps you can take in a social situation to prevent sexual assault  
<https://rainn.org/articles/steps-you-can-take-prevent-sexual-assault>
  - b. Safety planning  
<https://www.rainn.org/articles/safety-planning>
  - c. How to respond if someone is pressuring you  
<https://www.rainn.org/articles/how-respond-if-someone-pressuring-you>
  - d. Staying safe on campus  
<https://www.rainn.org/articles/staying-safe-campus>
  - e. Your role as a bystander in preventing sexual assault  
<https://rainn.org/articles/your-role-preventing-sexual-assault>
  - f. What consent looks like  
<https://rainn.org/articles/what-is-consent>
  - g. Protecting a child from sexual assault  
<https://rainn.org/articles/how-can-i-protect-my-child-sexual-assault>
2. The United States Department of Justice  
<https://www.justice.gov/ovw/sexual-assault>
3. The California Partnership to End Domestic Violence  
<http://www.cpedv.org/>
4. Next Door Solutions to Domestic Violence  
<http://www.nextdoor.org/>
5. The National Domestic Violence Hotline operates 24 hours a day, seven days a week, is confidential and free of cost, and provides lifesaving tools and immediate support to enable victims to find safety and live lives free of abuse:
  - a. Help for Survivors  
<http://www.thehotline.org/help/help-for-survivors/>
  - b. Path to Safety  
<http://www.thehotline.org/help/path-to-safety/>
  - c. Survivor Stories  
<http://www.thehotline.org/about-us/share-your-story/>

## Protective Orders

Unitek College complies with state laws with respect to orders of protection, “no contact” orders, restraining orders, or similar lawful orders. A student who obtains a protective order should immediately provide a copy to a Campus Security Authority (employees should provide a copy to their direct supervisor and/or to Human Resources). The Campus Security Authority, in collaboration with the Title IX Coordinator, will develop a plan to ensure the provisions of the order are followed. This may include but is not limited to: changing classroom location and/or seating within the classroom; special parking arrangements, increased patrol services; and escorts.

An Emergency Protective Order can help protect a victim of abuse, sexual harassment, or stalking. This type of protective order is available 24 hours a day through your local police department. Other protective orders can be applied for through the court systems within your local county. The College cannot apply for a legal order of protection, “no contact” order or restraining order for a victim or on his/her behalf. Victims are required to apply directly for these services on their own behalf. However, the College will abide by the requirements of the order to help ensure the victim’s safety.

## Confidentiality

Unitek College is committed to protecting the confidentiality of the victim in either the presence or absence of a victim’s request for confidentiality. Personally identifying information (PII) will not be included in any publicly available records, including Clery Act reporting, the college’s Annual Security Report, or in any Timely Warning Notices that could be issued. Per Section 40002(a) of the Violence Against Women Act of 1994, “personally identifying information” is defined as “individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including: a first and last name; a home or other physical address; contact information (including a postal, email or Internet protocol address, or telephone or fax number); a social security number, driver’s license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.”

The Family Educational Rights and Privacy Act (FERPA) allows schools to disclose “directory” information without the student’s consent. For Unitek College, “Directory Information” is defined as student’s name, identification number, program name, address, email address, telephone number, date and place of birth, honors and awards, enrollment status, most recent previous educational institution attended, and dates of attendance. At any time, all students have the right to “opt out” of allowing the college to share this directory information. However, regardless of whether a student has opted out or not opted out, personally identifying information about the victim and other applicable parties will be treated as confidential and only shared with individuals who have a specific need-to-know reason, such as individuals who are conducting an investigation and/or disciplinary proceedings or those involved in providing support services to the victim, such as accommodations and protective measures. To that end, the College will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the college to provide the accommodations or protective measures.

Students may opt out of allowing the college to share Directory Information at any time by contacting the Campus Registrar.

## Options for Supportive Measures and Complainant's Rights

Upon receipt of a report of alleged domestic violence, dating violence, sexual assault and/or stalking on or off campus, Unitek College is obligated and will provide the complainant with written documentation regarding his/her rights and options and written notification regarding supportive measures available to him or her, including academic, living, transportation and work situations. This written notification will include information regarding supportive measures, available assistance in making requests for supportive measures, and who to address requests to. At the complainant's request and to the best of the College's ability, Unitek College will provide the complainant and/or the respondent with appropriate supportive measures. If possible and reasonably available, the parties may be offered changes to academic, living, working or transportation situations regardless if the complainant files a formal complaint or reports the alleged crime to local law enforcement. Examples of supportive measures may be to transfer a student to a different cohort group or withdrawing and re-enrolling if there is no option for moving to a different cohort group or different campus. A supportive measure regarding a work situation may be changing a person's hours or transferring to another department. A supportive measure for transportation may be arranging for special parking or having the complainant escorted to and from his/her car. A complainant or respondent who wishes to request supportive measure(s) should contact the Title IX Coordinator, a Campus Security Authority, and/or the Human Resources Department.

Below are procedures the College will follow upon receiving a report of domestic violence, dating violence, sexual assault and stalking:

1. The College will help provide the complainant with access to medical care, as needed and requested by the complainant.
2. The College will assess the immediate safety needs of the complainant.
3. The College will provide the complainant with written contact information for the local authorities and will help the complainant contact the authorities at the complainant's request.
4. The College will provide written information on how to preserve evidence, if any.
5. The College will provide the complainant with written documentation regarding the services of WellConnect, a referral and counseling services available to all students.
6. As stated above, the College will determine if any immediate supportive measures need to be implemented and will maintain confidentiality of these measures to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. These supportive measures may include:
  - i. Counseling referrals
  - ii. Deadline extensions or other academic adjustments
  - iii. Modification of work or class schedules
  - iv. Campus escort services
  - v. Mutual restrictions on contact between the parties
  - vi. Leaves of absence
  - vii. Increase security and monitoring of certain areas of the campus
7. The College will provide written information on how to obtain a protective/restraining order through the respective court system (or an Emergency Protective Order through local authorities).
8. The College will provide the complainant with written documentation regarding his/her rights and options.
9. The College will provide the complainant with written documentation regarding the investigation and disciplinary proceedings which will be conducted as a result of the report.

## **Grievance Process to Address Title IX Sexual Harassment Complaints**

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Unitek College maintains a grievance process which treat complainants and respondents equitably by providing resolution to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process before imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The College's process is designed to enable the restoration or preservation of equal access to the College's education program or activity. Such resolution may include the supportive measures listed in this document and/or may be punitive or disciplinary, without regard to burdening the respondent, as applicable. The investigation will include an objective evaluation of all relevant evidence, and credibility will not be pre-determined based on a person's status as complainant, respondent or witness.

Individuals designated by the College to conduct an informal resolution process, which includes the Title IX Coordinator, investigator(s), and decision-maker(s), will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Additionally, all individuals involved in the resolution process receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process, and how to perform impartially, which includes not prejudging the facts at issue, no conflicts of interest, and no bias. The College ensures that decision-makers receive applicable training on any technology to be used at a live hearing and on 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. The College also ensures that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process does not rely on sex stereotypes and promotes impartial investigations and adjudications of formal complaints of sexual harassment. Training materials used are maintained for a period of at least seven (7) years and posted to the institution's website.

Other elements of the College's grievance and informal resolution process include the following:

- The College will not presume that the respondent is responsible for the alleged conduct prior to a determination being made at the conclusion of the grievance process.
- The College strives to complete all resolution proceedings, including the investigation, formal and informal meetings, hearing, and sanctions, as applicable, within sixty (60) calendar days of receiving a report. However, there is an allowance for extensions of timeframes for good cause, as necessary, and in that instance, written notice will be provided to the complainant and the respondent announcing the delay and the reason for it. 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.
- The College uses the "preponderance of evidence" standard of evidence to determine whether the respondent has violated the College's policies. Use of this standard is irrespective of whether the respondent is a student or employee and is used consistently in all formal complaints of sexual harassment.
- Disciplinary actions for employees may include, but are not limited to, verbal warnings, letters of reprimand, suspension with or without pay, and termination. Such disciplinary actions for students may range from counseling to suspension and/or expulsion.
- Both the complainant and the respondent will be provided with written documentation of his/her right to appeal the decision and/or the sanction imposed. The appeal must be based on either a process error or based on new information/evidence which is introduced. Appeals must be made

within 5 days of the original decision and should be directed to the Title IX Coordinator at [unitekcompliance@unitek.com](mailto:unitekcompliance@unitek.com).

- The College will not rely upon or use questions or evidence which constitute, or seek disclosure of, information protected under a legally-recognized privilege unless the person holding such privilege has waived the privilege.

### Providing Notice of Allegations

Upon receipt of a formal complaint, the College will provide notice of the College's grievance process to all known parties, including the allegations of sexual harassment potentially constituting sexual harassment and including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will confirm that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process. The written notice will also inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and that the parties may inspect and review evidence. Parties will also be reminded of the College's Code of Conduct which prohibits knowingly making false statements or knowingly submitting false information during the grievance process. During the course of the investigation, if the College decides to investigate allegations about the complainant or respondent which are not included in the original notice, the College will notify the parties of the additional allegations.

### Dismissal of a Formal Complaint

The College will investigate the allegations in a formal complaint; however, if the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the College's education program or activity, or did not occur against a person in the United States, then the College will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Dismissal of a formal complaint for these reasons does not preclude action under another provision of the College's Code of Conduct.

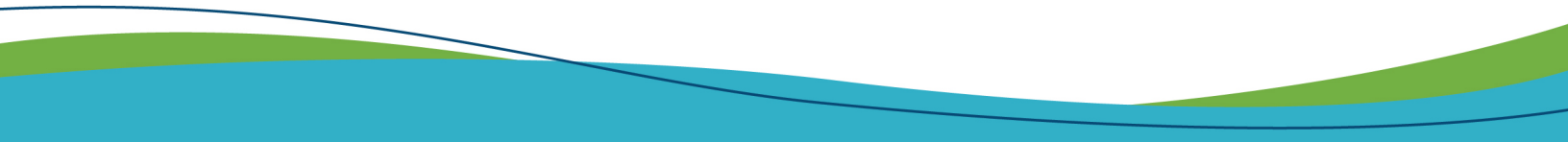
The College may also dismiss the formal complaint or any allegations contained therein if at any time during the investigation or hearing: (1) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations contained therein; (2) the respondent is no longer enrolled or employed by the College; or (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations contained therein. Upon any dismissal, the College will provide prompt written notification of the dismissal and the reason(s) for the dismissal action.

### Consolidation of Formal Complaints

The College reserves the right to 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.

## Investigation of a Formal Complaint

During an investigation of a formal complaint, the College will ensure the following:

- The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will rest on the College and not on the parties, provided that the College 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 or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so for a grievance process.
  - Both parties will be provided with equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory evidence (usually favorable to the complainant) and exculpatory evidence (usually favorable to the respondent).
  - The College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
  - Both parties will be provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. The College, however, 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.
  - The College will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
  - The College will provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
    - Prior to completion of the investigative report, the College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
  - The College will ensure the creation of an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.
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## Hearings

The College's grievance process allows for a live hearing, as applicable. The following outlines the College's process when conducting a hearing:

- At the live hearing, the decision-maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the College to otherwise restrict the extent to which advisors may participate in the proceedings.
- At the request of either party, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decisionmaker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- The College will ensure that only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be deemed not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or 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.
- If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) 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.
- Live hearings may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. In this case, the College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

## Determination Regarding Responsibility

Upon conclusion of the hearing, the appointed decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the College will apply the "preponderance of evidence" as the standard of evidence. The written determination will include: 1) identification 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) the findings of fact supporting the determination; 4) conclusions regarding the application of the College's Code of Conduct to the facts; 5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the

respondent, and whether resolution designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and 6) the College's procedures and permissible bases for the complainant and respondent to appeal. The College will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of 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. The College's Title IX Coordinator will be responsible for the effective implementation of any resolution measures.

### Right to Appeal

The College provides both parties with the opportunity to appeal a determination made regarding responsibility and the College's decision to dismiss a formal complaint or any allegations therein on the following bases:

- An irregularity or irregularities which affected the outcome of the matter;
- New evidence which was not reasonably available at the time the determination regarding responsibility or the dismissal was made which could affect the outcome of the matter;
- An individual or individuals involved in the resolution process and/or hearing (Title IX Coordinator, investigator, decision-maker, etc.) had a conflict of interest or bias for or against the complainant(s) or respondent(s) which affected the outcome of the matter.

In addition to the above-listed bases, the College may offer an appeal equally to both parties based on additional factors, as applicable.

Regarding all appeals, the College will:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- Ensure that the decision-maker(s) for the appeal is not the same decision-maker(s) who reached the initial determination regarding responsibility, and that the decision-maker(s) for the appeal is not the Title IX Coordinator or the investigator(s);
- Ensure that the decision-maker(s) for the appeal complies with all of the procedures as set forth in this section;
- Provide both parties with a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- Provide a written decision simultaneously to both parties describing the appeal results and the rationale for the decision.

### Informal Resolution Process

The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment. Additionally, the College will not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the College provides to the parties a written notice disclosing: the allegations; 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, provided, however, 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 any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. Additionally, the College will obtain the parties' voluntary, written consent to the information resolution process. However, the College will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### Recordkeeping Policy

The College will maintain records for a period of no less than seven (7) years consisting of the following:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any resolution provided to the complainant designed to restore or preserve equal access to the College's education program or activity;
- Any appeal and the result;
- Any informal resolution and the result;
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The College has made these training materials publicly available on its website;
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.
  - In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity.
  - If the College does not provide a complainant with supportive measures, the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. However, the documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.