



# MTI COLLEGE

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## **Student and Employee Anti-Harassment and Discrimination (Campuswide)**

MTI College is committed to providing a work and school environment free of unlawful harassment and discrimination. In furtherance of this commitment, MTI College provides regular training to students and employees to promote an awareness of these unacceptable behaviors and to ensure that students and employees are aware of their rights and responsibilities. Incoming students participate in a presentation and receive a handout as part of their new student orientation; new employees receive and discuss information during their new hire orientation; and existing employees are required to review a campus safety handout geared toward sexual harassment, violence and discrimination prevention in conjunction with their annual performance reviews. School policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. Additionally, in accordance with Title IX of the Education Amendments of 1972, the College prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and the College has jurisdiction over Title IX complaints.

MTI's anti-harassment policy applies to all persons involved in the operation of the College, and prohibits unlawful harassment by any employee of the College, as well as students, customers, third parties, vendors or anyone who does business with the College. It further extends to prohibit unlawful harassment by or against students. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom the College does business engages in unlawful harassment or discrimination, the College will take appropriate corrective action. The grievance procedure provides that complaints may be filed for discrimination in any academic, educational, extracurricular, or other programs operated or sponsored by, or related to, the College, whether the programs take place on campus, during a school-sponsored field trip, or other off-campus events.

As part of MTI's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to the College community through publications, the MTI website, new employee orientations, student orientations, and other appropriate channels of communication. MTI will provide training to key staff members to enable the College to handle any allegations of discrimination and harassment, including sexual harassment or sexual violence, promptly and effectively. The College will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

### **Definitions**

Sex Discrimination is defined as treating individuals differently on the basis of sex with regard to any aspect of services, benefits, or opportunities the College provides. This includes:

1. Treating a person differently in determining whether he or she satisfies any requirement or condition for the provision of an aid, benefit, or service;
2. Providing different aid, benefits, or services or providing aid, benefits, or services in a different manner;
3. Denying any person an aid, benefit, or service;
4. Subjecting any person to separate or different rules of behavior, sanctions, or other treatment in providing an aid, benefit, or service;
5. Aiding or perpetuating discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
6. Otherwise limiting any person in the enjoyment of any right, privilege, advantage, or opportunity.

Sexual Harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.

Sexual Violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Sexual Assault occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Consent is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

### **Prohibited Conduct**

This policy strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence, as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's education or employment; or
3. It creates a hostile or offensive environment, which means the alleged conduct is sufficiently serious to limit or deny a student's ability to participate or benefit from the student's education program.

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person's body.

Gender-based harassment, including acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is prohibited.

### **Complaint/Grievance Procedure**

The following grievance procedure shall be used to address harassment or discrimination (including sexual) complaints filed by students/employees or complaints filed on their behalf against employees, other students, or third parties.

If a student/employee believes that he/she has experienced or witnessed harassment, discrimination, or sexual violence:

- Report the incident to an instructor, staff member, administrator, or to the Title IX Coordinator. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation.
- Provide information regarding the incident, including:
  - Names of the individuals involved in the incident, including witnesses
  - Relevant facts regarding the incident (including the date, time and location)This information will be reported to the Title IX Coordinator or other appropriate school official.
- The student/employee may request the school maintain his/her confidentiality. The College will make all reasonable attempts to honor the student/employee's request; however, it can only do so in light of its Title IX obligation to maintain a safe, nondiscriminatory environment for all students/employees.
- The student/employee may share information confidentially with counseling, advocacy, health, mental health, or sexual assault-related services.
- If the student/employee does not wish to file a complaint or does not request that the College take action on his/her behalf, the student/employee must confirm so in writing.

A sex discrimination complaint should be filed within 7 days from the date of the alleged discriminatory incident. All documentation pertaining to the complaint/grievance will be confidential. The complaint/grievance once received will be maintained in the student's and/or employee's permanent file, which has limited staff access. This includes verbal complaints.

All complaints involving a student will be referred to the campus's Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

### **Title IX Coordinators**

The following individuals have been identified as MTI College's Title IX Coordinators and are located on the MTI College campus at 5221 Madison Avenue, Sacramento, CA 95841:

- Carol Castle, Academic Officer/ALO (Lead) – [ccastle@mticollege.edu](mailto:ccastle@mticollege.edu) or (916) 339-4335
- David Allen, VP/Chief Financial Officer – [dallen@mticollege.edu](mailto:dallen@mticollege.edu) or (916) 339-4336

The College ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual or other unlawful harassment, discrimination, or sexual violence, and that they understand MTI's grievance procedure.

In the event that an incident, policy or procedure about which the student/employee seeks to file a complaint appears to create a conflict of interest with the Title IX compliance team, the individual may contact the campus director Don Black at [dblack@mticollege.edu](mailto:dblack@mticollege.edu) or (916) 339-4371. Inquiries concerning the application of Title IX may be referred to the Title IX Coordinators or the U.S. Department of Education's Office for Civil Rights. Complaints of sex discrimination regarding an alleged violation of Title IX may also be filed with the U.S. Department of Education's Office of Civil Rights using the online form located at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>, or by calling the Office of Civil Rights enforcement office located in San Francisco at (415) 486-5555.

### **Investigation of Complaints**

In response to all complaints, the College promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint.

The preponderance of the evidence standard will apply to investigations, meaning the College will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint. Written notice will include:

1. Whether the College found that the alleged conduct occurred, and whether it constituted discrimination.
2. Any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant.

3. Any other steps the College took to eliminate the hostile environment, if one was found to exist, and prevent recurrence; and
4. Any appeal opportunities.

If a complainant requests confidentiality, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the College will inform the complainant that its ability to respond may be limited. In the event the complainant insists on maintaining complete confidentiality, the complainant must document his/her request for confidentiality in writing and acknowledge that he/she has been counseled on the impact that maintaining confidentiality may have on the College's ability to investigate, punish the alleged harasser, and maintain an environment free from discrimination and sexual violence.

During the investigation, the College will provide interim measures, as necessary, to protect the safety and well-being of students and/or employees involved. Interim measures are steps that can be taken while the investigation is pending. Examples of interim measures may include access to resources such as victim advocacy, academic support, counseling, disability services, health and mental health services, and legal services. The option to change course schedules or other academic accommodations may also be available. Interim measures are determined on a case-by-case basis and in general, are intended to minimize the burden on the complainant.

If the College determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and the College will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by the College to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension or expulsion.

To initiate a criminal investigation, reports of sexual violence should be made to "911" or local law enforcement. The criminal process is separate from the MTI disciplinary process. To the extent that an employee or contract worker is not satisfied with the College's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief. In California, employees may notify the Department of Fair Employment and Housing by consulting the government agency listings in the telephone book or on-line at [www.dfeh.ca.gov](http://www.dfeh.ca.gov). The Department of Fair Employment and Housing will, in appropriate cases, prepare and investigate complaints of harassment or discrimination; after a hearing, the Fair Employment and Housing Commission may award damages to individuals actually injured as a result of such conduct, as well as other remedies.

The College will make appropriate referrals to law enforcement. The College will also notify complainants of the right to proceed with a criminal investigation and a Title IX complaint simultaneously. The College will not wait for the criminal investigation or criminal proceeding to be concluded before beginning its own investigation.

### **Retaliation Prohibited**

MTI College prohibits any form of retaliation, intimidation or harassment against any individual who filed or otherwise participated in the filing or investigation of a complaint of discrimination. Any individual who believes he/she has been subjected to retaliation may file a separate complaint under this procedure.

### **Reporting Requirements**

Victims of sexual misconduct should be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The College reserves the right to notify parents/guardians of minor students regarding any health or safety risk, or a change in student status.

## **Procedures:**

### **Title IX Coordinator Responsibilities**

- Ensuring the College is in compliance with Title IX and other laws pertaining to sexual or other unlawful harassment, discrimination, or sexual violence, as defined in this policy.
- Coordinating the implementation and administration of procedures focused on resolving Title IX complaints, including:
  - Educating students and employees on how to file a complaint alleging a violation of Title IX
  - Investigating complaints
  - Working with law enforcement when necessary
  - Ensuring that complaints are resolved promptly and appropriately
- Coordinating the College's response to complaints involving possible sexual or other unlawful harassment, discrimination or sexual violence to monitor outcomes, identify patterns, and assess effects on the campus climate.
- Assisting in developing methods to survey campus climate and coordinate the collection and analysis of assessment information.
- Providing training and technical assistance on school policies related to sexual or other unlawful harassment, discrimination or sexual violence.
- Developing programs on issues related to Title IX to ensure that students and employees are aware of their rights and obligations under Title IX.
- Meeting with employees or students as needed to discuss issues related to possible sexual or other unlawful harassment, discrimination or sexual violence.

### **Reporting a Complaint – Employee Responsibilities**

- Any MTI employee who becomes aware of an allegation of sexual or other unlawful harassment, discrimination or sexual violence involving an MTI student or employee must report it to one of the Title IX Coordinators.
- When receiving a complaint, employees should inform the complainant of the following:
  - The employee receiving the complaint must report the names of the alleged individuals (including witnesses) involved in the alleged incident, as well as relevant facts (including the date, time and location), and the complainant's contact information to the Title IX Coordinator or other appropriate school official.
  - The complainant may request the school maintain his/her confidentiality. The College will make all reasonable attempts to honor the request; however, it can only do so in light of its Title IX obligation to maintain a safe, nondiscriminatory environment for all students/employees.
  - The complainant may share the information confidentially with counseling, advocacy, health, mental health, or sexual assault-related services.
  - If the complainant does not wish to file a complaint or does not request the College to take action on his/her behalf, he/she must confirm so in writing. The College will still review the incident to the best of its abilities to determine what occurred and to identify steps it can take (if any) to prevent its recurrence and/or address its effects within the campus community.
- Any person who wishes to make a complaint of sexual or other unlawful harassment, discrimination or sexual violence that also constitutes a crime – including sexual assault, domestic violence or stalking – is encouraged to contact local law enforcement. A victim may decline to notify such authorities.

### **Investigation and Grievance Procedure**

- The Title IX Coordinator or designee will meet with the complainant.
- The Title IX Coordinator or designee will provide the complainant with a copy of the Student and Employee Anti-Harassment and Discrimination policy and will discuss the following:
  - How the complainant wishes to proceed with the matter (i.e. whether or not he/she wishes to file a complaint or have the College pursue a resolution).
    - With the exception of allegations involving sexual assault, the complainant may voluntarily opt for an informal method of resolution (e.g. mediation) with assistance from a trained mediator, counselor or, if appropriate, the Title IX Coordinator or designee.
    - If the complainant opts for an informal method of resolution, he/she has the right to end the informal process at any time and begin the formal complaint process. Note: In cases involving



allegations of sexual assault, mediation is not appropriate and may not be used to resolve sexual assault complaints.

- If the complainant wishes to file a criminal complaint, he/she is free to do so at any time before, during or after the school's internal Title IX investigation. The College will not wait for the conclusion of a criminal investigation or criminal proceedings to begin its own Title IX investigation.
- If the complainant does not wish to file a complaint or does not request the College to take action on his/her behalf, the complainant must confirm so in writing. The complainant should be advised that College will still review the incident to the best of its abilities to determine what occurred and to identify steps it can take (if any) to prevent its recurrence and/or address its effects within the campus community.
- The College's Title IX obligation and how the College will investigate and respond to the matter, including the rights of the complainant and the alleged perpetrator.
- Interim measures that may be taken to protect the complainant and/or the safety of the MTI community.
- Requests for confidentiality on the part of the complainant or others with knowledge of the incident.
- Protection against retaliation against the complainant
- The timeframe within which the school will conduct its investigation and reach a resolution. Typically, the investigation process takes approximately 60 days to complete. Timeframes may vary based on the severity of the allegation and complexity of the investigation.
- Investigations into Title IX issues will begin immediately. The investigation will be conducted by the Title IX Coordinator or a designee.
- The investigation may include, but is not limited to the following:
  - Individual interviews with the complainant, alleged perpetrator, witnesses. During these interviews, a third party is required to be in attendance.
  - A review of the complaint, signed witness statements, law enforcement investigation documents, school policies, and student and/or employee files.
  - A hearing as deemed necessary and/or appropriate.  
Note: The complainant and the alleged perpetrator will not be allowed to personally question or cross-examine each other during the hearing
- During the investigation, the complainant and alleged perpetrator have the right to an equal opportunity to:
  - Choose one person who has had no formal legal training to accompany him/her throughout the process.
  - Present relevant witnesses and other evidence. In addition, the complainant and the alleged perpetrator must be afforded similar and timely access to any information that will be used at a hearing.
  - Present his/her case. This includes the right to adequate, reliable and impartial investigation of complaints.
  - Be notified, in writing, of the outcome of the complaint.
    - Both parties must be informed of the outcome including sanction information, or any institutional proceeding alleging a sex offense.
    - The College must inform the complainant of the following:
      - Whether or not the College found that the alleged conduct occurred
      - Any remedies offered or provided to the complainant
      - Any sanctions imposed on the perpetrator that directly relate to the complainant.  
Examples include:
        - Requiring the perpetrator stay away from the complainant until both parties graduate
        - Prohibiting the perpetrator from attending school for a period of time
        - Transferring the perpetrator to other classes
      - Steps the school has taken to eliminate the hostile environment, if the College finds that one exists. For example, counseling and academic support services to the complainant and other affected students.
      - Steps the school has taken to prevent recurrence. For example, sexual violence training for faculty and staff, revisions to school policies, campus surveys, etc.
    - The perpetrator should not be notified of the individual remedies offered or provided to the complainant.

- The College may not require a complainant to abide by a non-disclosure agreement, in writing or otherwise.
  - Any appeal opportunities, if applicable.
- File an Appeal, if applicable.
  - Access to an appeal is not required, but is recommended where procedural error or previously unavailable relevant evidence could significantly impact the outcome of a case or where a sanction is substantially disproportionate to the findings.
  - If the College chooses to provide for an appeal of the findings or remedy or both, it must do so equally for both parties.
  - It is up to the College to determine the type of review it will apply to appeals.
- Consistent with Title IX standards, the College uses a preponderance of evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred) when investigating allegations of sexual harassment or violence.
- The College does not allow the complainant or alleged perpetrator to involve lawyers in its Title IX investigation or grievance procedures.
- All documentation must be kept confidential and stored by the Title IX Coordinator in a locked cabinet.

### **Title IX Training, Education and Prevention**

- **Employees serving as Title IX Coordinators** must attend annual training in handling complaints of sexual or other unlawful harassment, discrimination, or sexual violence, and MTI's grievance procedures. Evidence of this training is to be kept on file.
- **Employees** who are likely to see or receive reports of sexual harassment or sexual violence must receive training upon hire and at least every other year thereafter. Evidence of this training is to be kept on file. New employees receive and discuss information during their new hire orientation, and existing employees are required to review a campus safety handout geared toward sexual harassment, violence and discrimination prevention in conjunction with their annual performance reviews.
- **Students** must receive training to ensure they understand their rights under Title IX. Incoming students participate in a presentation and receive a handout as part of their new student orientation.