

## TITLE IX – SEX DISCRIMINATION, SEXUAL MISCONDUCT, FILING A COMPLAINT AND GRIEVANCE

***In accordance with the Department of Education's Final Rule under Title IX, a complete copy of MTI College's Anti-Harassment and Discrimination Policy can be found on the MTI College Website, Title IX Disclosure Tab. This policy applies to employees and students.***

Here at MTI College (“MTI”) we are committed to ensure that all individuals on our campus are treated with respect, dignity, and equality. MTI is also committed to providing a safe and healthy learning and working environment for all members of our campus community that is free from discrimination, including discrimination on the basis of sex. Accordingly, MTI has a **zero tolerance** policy with respect to Sex Discrimination, Sexual Misconduct, and other Sex-Based Offenses, and will thoroughly investigate any and all complaints or grievances concerning, relating, or arising from alleged claims of Sexual Discrimination, Sexual Misconduct, and/or other Sex-Based Offenses.

Sexual Discrimination, Sexual Misconduct, and other Sex-Based Offenses are serious transgressions that violate fundamental rights and personal dignity. We offer support and reporting options. If at any time you believe you have been a victim of Sexual Discrimination, Sexual Misconduct, and/or other Sex-Based Offenses, please immediately contact the school’s **Title IX Coordinator**:

ERIC G. FERNANDEZ  
(916) 339-4340  
5221 MADISON AVENUE, SACRAMENTO, CA 95841  
[Efernandez@mticollege.edu](mailto:Efernandez@mticollege.edu)

Even if you haven’t experienced such violations personally, you can help protect our community by reporting any information about such violative incidents to Mr. Fernandez and by encouraging anyone who discloses to utilize the numerous available resources identified in this disclosure.

### **WHAT IS TITLE IX?**

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that requires educational institutions receiving federal funds to address discrimination and harassment based on sex. Title IX specifically states as follows:

“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....” 20 U.S.C. § 1681(a).”

Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, which includes sexual violence, is a form of sex discrimination. MTI College provides supportive measures and resources to students, faculty, and staff to address concerns related to sex discrimination. Title IX also prohibits retaliation for raising a complaint under Title IX or for advocating for a right protected by Title IX.

The U.S. Department of Education’s Office of Civil Rights is the entity that is charged with enforcing Title IX compliance. Inquiries about these issues may also be referred to:

The U.S. Department of Education, Office for Civil Rights (OCR),  
50 Beale Street, Suite 7200, San Francisco, CA 94105-1813  
Tel: 415-486-5555  
Fax: 415-486-5570  
Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov).

The website for the Office of Civil Rights can be located by following this link:

<https://www2.ed.gov/about/offices/list/ocr/index.html>

Title IX also requires MTI College to “designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under [Title IX].” (See 34 C.F.R. § 106.8). MTI College has designated Eric G. Fernandez, Department Chair of the Paralegal Program as the College’s Title IX Coordinator. Mr. Fernandez contact information is as follows:

ERIC G. FERNANDEZ

(916) 339-4340

5221 MADISON AVENUE, SACRAMENTO, CA 95841

[Efernandez@mticollege.edu](mailto:Efernandez@mticollege.edu)

### **TITLE IX POLICIES AND REPORTING PROCESS**

MTI College is committed to creating and maintaining a community in which all individuals on our campus and all persons who participate in the College’s programs and activities can work and learn together in an atmosphere free of all forms of discrimination, exploitation, intimidation, or harassment, including sexual, based on a legally protected characteristic or status. To further this commitment, MTI College has a **zero-tolerance** policy with respect to harassment or discrimination based on race, color, religion, national origin, ancestry, age, sex/gender, sexual orientation, gender identity, marital status, medical condition, or physical or mental disability, taking a protected leave (e.g., family medical or pregnancy leave), or on any other basis protected by applicable laws. Such behavior is prohibited both by law and by MTI College’s policy.

It is MTI College’s intention to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates its policy against all forms of discrimination and/or harassment, which may include suspension, termination, expulsion, or another sanction appropriate to the circumstances and violation. All members of MTI College’s community, including but not limited to faculty, staff and students, are responsible for maintaining an environment that is free of sexual harassment and other forms of discrimination, harassment and retaliation as described in this Policy.

Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education Office For Civil Rights provides guidelines to ensure that schools take effective steps to respond to sexual harassment and sexual violence in accordance with the requirements of Title IX.

### **DEFINITIONS:**

**Discrimination:** Unlawful discrimination may occur when an individual is treated less favorably with respect to the terms and conditions of employment or education, or with respect to the individual’s receipt of employment or educational benefits, because of his or her membership in a protected class. Accordingly, all employment-related decisions, including but not limited to decisions relating to recruitment, hiring, promotion, transfers, benefits and any other terms and conditions of employment, will be made without regard to the employee’s or applicant’s race, color, religion, national origin, sex/gender, sexual orientation, gender identity, gender expression, marital status, pregnancy, age, physical disability, mental disability, medical condition, covered veteran status, genetic information, or other characteristic protected by federal or state law. Similarly, all education-related programs and activities, including but not limited to admissions, financial aid, academic programs, research, housing, athletics, and other extracurricular activities, will be administered without regard to the student’s or applicant’s race, color, religion, national origin, sex/gender, sexual orientation, gender identity, gender expression, marital status, pregnancy, age, physical disability, mental disability, or other characteristic protected by federal or state law.

**Sexual Harassment:** Sexual harassment is a form of sex discrimination that is illegal under both federal and state laws. It can be verbal, non-verbal, visual, or physical. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in a college activity; or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
- Such conduct has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or abusive working or learning environment.

Sexual harassment does not include verbal expression or written material that is relevant and appropriately related to course subject matter or curriculum, and nothing in this policy is intended to interfere with the College's educational mission or academic freedom, e.g., the ability of a teacher or student to examine examples of harassment appropriate to a particular subject.

A determination of whether particular conduct creates an intimidating, hostile or abusive work or learning environment is assessed from the point of view of a reasonable person in the complainant's position. Such a determination also takes into account the totality of the circumstances, including, but not limited to, the following:

- the frequency of the offensive conduct;
- its seriousness;
- whether it is physically threatening or humiliating;
- the location of the conduct and the context in which it occurred;
- the degree to which the conduct affected the education or employment environment; and
- the relationship between the parties and their positions at MTI College

For the purposes of Title IX Policy:

"Covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

- **Quid Pro Quo** which includes an employee conditioning educational benefits on participation in unwelcome sexual conduct;
- **Unwelcome Conduct of a Sexual Nature** that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
- **Sexual Assault** (as defined in the Clery Act), which includes any forcible or nonforcible sexual act directed against another person (contact with genitals, objects, however slight), rape, sodomy, sexual assault with an object, fondle, incest and statutory rape, without the consent of the victim including instances where the victim is incapable of giving consent;
- **Dating Violence** (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- **Domestic Violence** (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes 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 California domestic or family violence laws 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 California.
- **Stalking** (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.
- **Sexual Exploitation** occurs when a person takes advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that

person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place.

**Examples of conduct which may be sexual harassment include, but are not limited to:**

- direct propositions of a sexual nature;
- sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching;
- direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc;
- conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomforting, humiliating or both, and that includes one or more of the following:
- comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screen savers, which are sexually explicit);
- unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature;
- remarks of a sexual nature about a person's clothing or body;
- insulting sounds or gestures, whistles, or catcalls;
- invading someone's personal space or blocking her/his path;
- unwelcome and inappropriate letters, telephone calls, electronic mail, instant or text messaging, or other communications;
- displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screen savers).
- a consensual romantic or sexual relationship which:
  - causes adverse treatment of third parties; or
  - creates a hostile or intimidating working or learning environment for third parties;
  - stalking (which is also criminal behavior);
  - sexual assault (which is also criminal behavior).

**Some conduct that may appear to be consensual may also be unacceptable.**

Sex/gender-based discrimination, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or gender-based characteristics, but not involving conduct of a sexual nature (e.g., the repeated sabotaging of female students' laboratory experiments by male students in the class), may be a form of sex discrimination prohibited by law. While sex/gender-based discrimination may be distinguished from sexual harassment, acts of sex/gender-based discrimination may contribute to the creation of a hostile work or academic environment. Thus, a determination of whether a hostile environment due to sexual harassment exists may take into account acts of sex/gender-based discrimination.

Not all sexual harassment occurs between persons of differing power. Sexual harassment may also occur between peers. In addition, while the majority of reported cases of sexual harassment involve a male harassing a female, sexual harassment may also involve a female harassing a male, or an individual harassing a person of the same gender.

Employees who engage in conduct in violation of this policy are acting outside the scope of their employment responsibilities and, in addition to discipline including termination of their employment, may be subject to individual legal liability and damages for their actions.

**Retaliation and/or Violation of Interim Protections**

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of alleged discrimination, harassment (including sexual or sexual assault) or of any other violations of College policies, including but not limited to MTI College's Code of Conduct, are prohibited. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint

under this policy, or those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of MTI College's Code of Conduct or other College policy.

It is a violation of MTI College's policy to retaliate in any way against an individual or a group because the individual or group of individuals reported an allegation of sexual harassment or misconduct. MTI College recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a Respondent can also be the subject of retaliation by the Complainant or a third party. MTI College will take immediate and responsive action to any report of retaliation and may pursue disciplinary action as appropriate.

Not only is retaliation a violation of MTI College's Policy but may also be a violation of the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All conduct that is believed to constitute retaliation should be reported immediately to Eric G. Fernandez, Title IX Coordinator, at, (916) 339-4340 or at [Efernandez@mticollege.edu](mailto:Efernandez@mticollege.edu)

The reporting procedures described below also apply to allegations of retaliation.

### **INTERIM MEASURES**

**Interim Protections/Measures** mean steps MTI College takes to reasonably protect employees and students during an investigation and/or student discipline process. Upon receipt of a report, MTI College will provide interim support and reasonable protective measures to provide a safe educational and work environment. MTI College will determine the necessity and scope of any interim measures keeping in mind both the Complainant's and Respondent's respective positions. Even when a Complainant or Respondent does not specifically request that protective action be taken, MTI College may choose to impose interim measures at its discretion to ensure the safety of any individual, the broader College community or the integrity of the review process. The range of interim measures may include no contact directives, changes in class or work schedules, interim suspension or other measures as necessary.

Students seeking such assistance should speak with the Title IX Coordinator, who will coordinate such requests on the behalf of the student. MTI College will maintain contact with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed

### **SEXUAL ASSAULT REPORTING PROCESS**

#### **Complaint and Reporting Procedures and Resources for Addressing Incidents of Discrimination, Harassment, Including Sexual, and Retaliation**

MTI College's has in place internal procedures to investigate and address complaints of discrimination, harassment (including sexual) and retaliation as described in this Policy. These procedures are intended to assure fairness and to maintain confidentiality in the process of responding to complaints.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail using the contact information listed above for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. MTI College will accept anonymous complaints however the College will be limited in its ability to address the concerns without identifying reporting parties to obtain supporting information.

**Complaints** of discrimination, harassment, including sexual harassment or sexual assault, and/or retaliation involving any individual should be reported promptly to the College's Title IX Coordinator:

ERIC G. FERNANDEZ

(916) 339-4340

5221 MADISON AVENUE, SACRAMENTO, CA 95841

[Efernandez@mticollege.edu](mailto:Efernandez@mticollege.edu)

The Title IX Coordinator is responsible for overseeing MTI College's compliance with this Policy and will determine the appropriate next step for investigation and resolution. All members of the MTI College community must cooperate fully with the Title IX Coordinator in the fulfillment of his responsibilities.

Reports should be brought as soon as possible after the alleged conduct occurs, but may be made at any time. Prompt reporting will enable MTI College to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. MTI College shall respond to reports of sexual harassment brought after one year to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred. Once reported, the Title IX Coordinator and/or his/her designees will provide prompt and equitable resolution.

In addition, individuals who believe they have experienced discrimination, harassment, including sexual harassment or sexual assault, based on the protected characteristics listed above and/or retaliation are also free to contact the Equal Employment Opportunity Commission ("EEOC") and/or the California Department of Fair Employment and Housing ("DFEH") to pursue external legal remedies.

For more information on the EEOC, please visit this site: <https://www.eeoc.gov/>

For more information on the DFEH, please visit this site: <https://www.dfeh.ca.gov/>

### **INVESTIGATION AND CORRECTIVE ACTION**

MTI College will investigate *every reported complaint* of unlawful discrimination or harassment. The investigation will be conducted in a thorough, prompt and professional manner.

If the conclusion of the investigation is that unlawful discrimination or harassment occurred, MTI College will initiate corrective action, as appropriate under the circumstances. For employees, the corrective action may range from verbal warnings up to and including termination from employment. For students, the corrective action may range from verbal warnings up to and including expulsion. If the individual found to have engaged in the unlawful discrimination or harassment is not an employee or student of MTI College, corrective action within the reasonable control of the College, and as appropriate under the circumstances, will be initiated.

The employee or student who raised the complaint will be advised of the results of the investigation, unless doing so is prohibited by FERPA or other applicable law. Similarly, an employee or student who is accused of the unlawful discrimination or harassment will be advised of the results of the investigation.

### **INTENTIONALLY FALSE REPORTS**

Discriminatory activity and harassment, and particularly sexual harassment or assault, often is not witnessed by others, and reports of such activity cannot always be substantiated by additional evidence. Lack of any such additional evidence should not discourage an individual from reporting any incident in violation of this Policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously, without regard for truth, may be subject to disciplinary proceedings.

### **CONFIDENTIALITY**

Consistent with the requirements of this Policy, MTI College shall 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. This means that MTI College will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this policy.

***Please be advised that*** confidentiality is not absolute. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for MTI College to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

***Please also note*** that physicians may keep the confidentiality of statements made to them in their role as medical professionals, but are required by law to report:

1. treatment of an injury sustained during a sexual assault, and
2. suspicion of a sexual assault committed against a person under 18 years of age.

Information shared with other individuals is not legally protected from disclosure. For example, if a report is made to one of the College's Deans, the Dean may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal requirements. In addition, MTI College is required by law to report to the police certain information about incidents occurring on campus. Such reports are for statistical purposes only and do not include individual identities.

Sometimes a student may wish to report an incident of sexual misconduct, domestic violence, dating violence or stalking without pursuing disciplinary or legal action. MTI College will seek to respect the wishes of the student when possible, recognizing that the College has a legal obligation to review all reports of sexual misconduct. However, even if a student does not want to proceed, MTI College may be legally obligated to proceed nonetheless. Depending on the circumstances such as the severity of the event, the respective ages and roles of the parties, whether there have been prior complaints against the accused, and right of the accused to be informed of the allegations against him/her, MTI College may determine it is necessary to proceed with a disciplinary response or implement other appropriate remedies. In such cases, the MTI College will notify the Complainant.

Students are urged to keep in mind that reporting acts of sexual violence, dating or domestic violence and stalking can help prevent future similar acts.

## **OTHER THINGS TO CONSIDER**

### **Anonymous Reporting**

Any individual may make an anonymous report concerning an act of sexual harassment or other forms of misconduct (e.g., dating or domestic violence or stalking). An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, MTI College's ability to respond to an anonymous report may be limited. Anonymous reports may be the Title IX Coordinator.

### **Law Enforcement**

MTI College advises Complainants that they can also pursue criminal action for incidents of sexual harassment or misconduct that may also be crimes under the law. In every case of sexual violence, MTI College will notify the Sacramento Sheriff Department of the allegations. MTI College will provide a Complainant information concerning how to make a criminal report. In the event that law enforcement agencies pursue the complaint, MTI College will cooperate to the extent permitted by law.

### **Truthfulness**

All individuals participating in the complaint process, including but not limited to making an initial report or complaint, are expected to tell the truth in all disciplinary matters. In order to ensure this is possible, individuals participating in student discipline hearings regarding an alleged violation of MTI College's Anti-Harassment and Discrimination Policy will not be charged and held responsible for minor violations of the College's Code of Conduct or other policy.

### **Clery Reporting**

MTI College is required to document all reports of sexual misconduct, including but not limited to domestic and dating violence and stalking, to satisfy the College's obligation to report statistics of crime on campus consistent with the Clery Act. No personally identifiable information about the Complainant will be shared for the purpose of maintaining these statistics. Identities and specific fact patterns will remain anonymous.

## **ROLES IN THE PROCESS**

There are many roles that support MTI College's response to reports of sexual harassment and misconduct. Below is a brief description of these roles and their responsibilities.

### **Title IX Coordinator**

- Oversees Title IX Compliance
- Supports the Deputy Title IX Coordinators
- Ensures prompt and equitable resolutions
- Establishes a centralized reporting process for all sexual harassment/ misconduct allegations on campus
- Conducts ongoing and annual climate checks, tracking, and monitoring of sexual harassment/ misconduct allegations on campus
- Coordinates all training, education, and prevention efforts

### **Title IX Investigator**

- Supports the Deputy Title IX Coordinators with investigations
- Serves as a non-decision making fact finder in the process
- Conducts interviews and collects evidence
- Identifies relevant witnesses
- Compiles findings into a formal investigative report

### **Advisor**

- Accompanies the reporting and responding parties in the process, but does not serve as an advocate or representative
- May be a person of the parties' choosing, including an attorney; if not chosen, an advisor may be assigned for a live hearing
- Asks questions on behalf of the parties in the cross-examination portion of the live hearing

### **Decision-Maker**

- Serves as the decision-maker in the process once it reaches a live hearing
- May not have any conflict of interests or biases in favor of or against either party
- May not be the Title IX Coordinator, Investigator, or Advisor for either party

### **Appeals Panelist**

- Serves as the decision-maker in the student process after (1) the dismissal of a formal complaint or any included allegations and/or (2) determination regarding responsibility
- May not have any conflicts of interests or biases in favor or against either party
- May not be the Title IX Coordinator, Investigator, or decision-makers

***Training material for MTI College's Title IX Coordinator can be found here:***

<https://training.paulmitchell.edu/courses/title-ix-coordinator-training-updated-2020/lessons/title-ix-coordinator-training/topic/training-the-title-ix-coordinator-tutorial/>

***Title IX Training material for MTI College's Students can be found on the MTI College Website under the Title IX Disclosure Tab.***

## **ADDITIONAL INFORMATION**

### **What is Title IX Sexual Assault Prevention?**

Sexual violence, as that term is used, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or



other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

### **What is the College's obligation under Title IX Sexual Assault with regard to staff and faculty?**

Staff, faculty, guests and visitors are all covered under Title IX Sexual Misconduct policies. Issues regarding staff, faculty, guests, visitors and other non-students should be reported to the Title IX Coordinator.

### **What are MTI College's basic responsibilities to address student-on-student sexual violence?**

When a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions). If an investigation reveals that sexual violence created a hostile environment, the school must then take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Title IX requires a school to protect the complainant and ensure his or her safety as necessary, including taking interim steps before the final outcome of any investigation. The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation. If the school determines that the sexual violence occurred, the school must continue to take these steps to protect the complainant and ensure his or her safety, as necessary. The school should also ensure that the complainant is aware of any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement.

If a school delays responding to allegations of sexual violence or responds inappropriately, the school's own inaction may subject the student to a hostile environment. If it does, the school will also be required to remedy the effects of the sexual violence that could reasonably have been prevented had the school responded promptly and appropriately. For example, if a school's ignoring of a student's complaints of sexual assault by a fellow student results in the complaining student having to remain in classes with the other student for several weeks and the complaining student's grades suffer because he or she was unable to concentrate in these classes, the school may need to permit the complaining student to retake the classes without an academic or financial penalty (in addition to any other remedies) in order to address the effects of the sexual violence.

### **What procedures must a school have in place to prevent sexual violence and resolve complaints?**

The Title IX regulations outline three key procedural requirements. Each school must:

1. Disseminate a notice of nondiscrimination
2. Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX
3. Adopt and publish reporting procedures providing for the prompt and equitable resolution of student and employee sex discrimination complaints

### **Can Faculty Serve as a Confidential Recourse?**

In short, NO. Faculty are considered responsible employees who have a duty to report. Accordingly, faculty cannot serve as confidential resources.

### **Does Title IX protect all students from sexual violence?**

Yes. Title IX protects all students at recipient institutions from sex discrimination, including sexual violence. Any student can experience sexual violence: from elementary to professional school students; male, female and non-binary students;

straight, gay, lesbian, bisexual and transgender students; part-time and full-time students; students with and without disabilities; and students of different races and national origins.

### **How should a school respond to sexual violence when the alleged perpetrator is not affiliated with the school?**

The appropriate response will differ depending on the level of control the school has over the alleged perpetrator. For example, if a third-party vendor sexually assaults a student on campus, MTI College may not be able to discipline or take other direct action against the third-party vendor. Notwithstanding, MTI College would still be required to conduct an inquiry into what occurred and should report the incident to the appropriate authority and/or the third-party vendor's employer, and encourage the employer to take appropriate action to prevent further sexual violence. MTI College would also notify the student of any right to file a complaint with local law enforcement. MTI College may also decide to terminate its contractual relationship with the third-party vendor to ensure that the vendor's employees are no longer invited on campus.

Even though a school's ability to take direct action against a particular perpetrator may be limited, the school must still take steps to provide appropriate remedies for the complainant and, where appropriate, the broader school population. This may include providing support services for the complainant and issuing new policy statements making it clear that the school does not tolerate sexual violence and will respond to any reports about such incidents.

### **Who has specific duty to report or investigate an incident involving sexual assault?**

- Individuals with a Duty to Report:
  - Campus Safety Authorities as per the Jeanne Clery Act
  - Responsible Employees (Title IX)
- Offices with a Duty to Investigate:
  - Human Resources
  - Student Services

### **How do I determine who is a campus safety authority?**

A campus safety authority is a person or offices responsible for campus security: People or offices to which campus policy directs that crimes be reported; Officials with significant responsibility for student and campus activities. This means work that focuses on student activities. The focus is on function, not title. Examples include anyone who has line of responsibility, (Student Services, Human Resources, etc. or anyone with regular contact with students, beyond the classroom).

### **Am I a responsible employee?**

A responsible employee is any employee who:

1. has the authority to take action to redress sexual violence;
2. has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator/appropriate school officials; or
3. a student, staff or faculty member could reasonably believe has this authority or duty.