



MTI COLLEGE

Founded in Sacramento in 1965

TITLE IX TRAINING



MTI COLLEGE
Serving Sacramento Since 1965

- MTI College is committed to ensuring 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 based on 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.



Title IX Coordinator

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What Constitutes Sexual Harassment?

Sexual Harassment = conduct on the basis of sex that meets the definition of:

- Quid Pro Quo
- Unwelcome Conduct
- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking
- Sexual Exploitation

Sexual Harassment:

Quid Pro Quo

- Quid Pro Quo: The conditioning of employment or education benefits on participation in unwelcome sexual conduct. (e.g., offering a favorable grade in exchange for unwelcome sexual conduct)

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Sexual
Harassment:

Unwelcome
Conduct

- Unwelcome Conduct:
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 Harassment:

Sexual Assault

- Sexual Assault: Any forcible or nonforcible sexual act directed against another person (contact with genitals, objects, however slight), i.e., rape sodomy, sexual assault with an object, fondling, incest and statutory rape, without the consent of the victim including instances where the victim is incapable of giving consent.

Sexual Harassment:

Dating Violence

- **Dating Violence:** 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

Sexual Harassment:

Dating Violence (cont'd)

- 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

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Sexual Harassment:

Stalking

Stalking: 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

** Note that this is on the basis of sex.

Sexual
Harassment:

Sexual
Exploitation

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. Sexual exploitation may occur regardless of whether sexual activity takes place

Affirmative Consent

Definition of Consent

- Unambiguous and willing participation or cooperation in act or attitude that is commonly understood to be consistent with the exercise of free will.
- 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 they have the affirmative consent of the other or other to engage in sexual activity.

Not Consent

- Individuals who are not conscious cannot give consent
- Individuals who appear mentally or physically incapacitated cannot give consent
 - Incapacitation is a state where one cannot make a rational, reasonable decisions because they lack the ability to understand. This includes minors.
- Consent cannot be given if it is obtained through force, fear, intimidation
- Expression of non-consent does not have to be verbal. Silence, alone, cannot be interpreted as consent.
- Prior sexual history does not presume consent.

Title IX Applies to Education Program or Activity

Title IX Applies to:

- Any on-campus premises
- Any off-campus premises that MTI College has substantial control over.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of MTI College's programs and activities over which MIT College has substantial control.

Making a Report

- 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 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 MTI will be limited in its ability to address the concerns without identifying reporting parties to obtain supporting
- If you are victim of, or have witnessed, sexual harassment at an MTI education program or activity, we encourage you to contact our Title IX Coordinator, Eric Fernandez, and make a report. All reports will be investigated.

Who Must Report

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator
- Identified Campus Security Authorities are required to report incidents as defined by the VAWA Amendments of the Clery Act.
- All members of the MTI College Community who are employees are required by the College to report to the Title IX Coordinator if they observe, encounter or learn of conduct that may be subject to the Title IX Policy.

What Happens After a Report is Made

- Upon receiving a report, 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.
- MTI College retains the authority to remove a respondent from the College program or activity on an emergency basis where the College determines removal is necessary to protect the health and safety of any student or individual.
- The removed respondent will still be afforded an opportunity to be heard during the investigation process and at a formal Title IX hearing.

Formal Title IX Complaint

Below is Brief Overview of the Formal Title IX Complaint Process:

1. Notice of Allegation – Title IX Coordinator Will Draft a Notice of Allegation
2. Investigative Phase – fact gathering, evidence sharing, report of investigation (note: all relevant evidence will be considered)
3. Decision-Making Phase (Notice of Hearing, Notice of Non-Hearing, Written Letter of Determination)
4. Formal Title IX Hearing
5. Appeal

Additional Information

A Complete Version of MTI College's Title IX Policy is available online on the Moodle Home Page (see Title IX Folder) and in your student handbook.

For additional questions or concerns, please do not hesitate to contact our Title IX Coordinator, Eric G. Fernandez at:

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- **Email: Efernandez@mticollege.edu**
- **Office: 2nd Floor, North Annex, Across Rm B11**