



Perry Technical Institute  
Equity Resolution Process

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# Equal Opportunity, Harassment and Non-Discrimination Policy

## *Applicable Scope*

Perry Technical Institute affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the school's Equity Resolution Process (ERP) as detailed below. When the responding party<sup>1</sup> is a member of the Perry Technical Institute community, the ERP is applicable regardless of the status of the reporting party who may be a member or non-member of the campus community. The campus community includes students, student organizations, faculty, administrators, staff, guests, visitors, campers, etc.

## *Title IX Coordinator*

Title IX Coordinator oversees implementation of the Perry Technical Institute policy on equal opportunity, harassment and non-discrimination. The Title IX Coordinator heads the Title IX Team and acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact Christine Coté, President of Perry Technical Institute. To raise concerns regarding a potential conflict of interest with any other employees involved in the ERP, please contact the Title IX Coordinator.

Inquiries about and reports regarding this policy and procedure may be made internally to:

Carol Helms, Title IX Coordinator  
2011 W. Washington Ave.  
Yakima, WA 98902  
509.453-0374  
titleix@perrytech.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline: 800.421.3481  
Facsimile: 202.453.6012  
TDD: 877.521.2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Office for Civil Rights (OCR) Seattle Office  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099  
Telephone: 206.607.1600  
Facsimile: 206.607.1601  
Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

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<sup>1</sup> As used in this document, the term "reporting party" refers to the person impacted by alleged discrimination. The term "responding party" refers to the person who has allegedly engaged in discrimination.

Equal Employment Opportunity Commission (EEOC) Seattle Field Office

Contact: <http://www.eeoc.gov/contact/>

Federal Office Building

909 First Avenue, Suite 400

Seattle, WA 98104-1061

Telephone: 800.669.4000

Facsimile: 206.220.6911

TTY: 800.669.6820

ASL Video Phone: 844.234.5122

### ***Reporting Discrimination***

Reports of discrimination, harassment and/or retaliation may be made using any of the following options. There is no time limit on the filing of allegations or grievances. However, if the responding party is no longer subject to the school's jurisdiction, the ability to investigate, respond and provide remedies may be limited.

- 1) Report directly to the Title IX Coordinator, [titleix@perrytech.edu](mailto:titleix@perrytech.edu)
- 2) Report online, using the form posted at [perrytech.edu/safety/incident-report.html](http://perrytech.edu/safety/incident-report.html)
- 3) (You may also report anonymously using the online reporting form).
- 4) Use the Campus Wide Complaint Form found online at [my.perrytech.edu](http://my.perrytech.edu) under forms, or available from any employee.

All employees receiving reports of a potential violation of Perry Technical Institute policy are expected to promptly contact the Title IX Coordinator within one school day of becoming aware of a report or incident.

All reports are acted upon promptly, but not every report will lead to a formal investigation. Every effort is made by the school to preserve the privacy of reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided. Confidentiality and mandated reporting is addressed more specifically below. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the President by calling 509.453.0374.

### ***Jurisdiction***

This policy applies to behaviors that take place on the campus, at Perry Technical Institute-sponsored events, and may also apply off-campus and to actions online when the Title IX Coordinator determines that the off-campus conduct affects a substantial school interest. A substantial school interest is defined to include:

- a) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of the school.

## **1. Perry Technical Institute Policy on Non-Discrimination**

Perry Technical Institute adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. Perry Technical Institute will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, religion, national origin, age, ancestry, sex, veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability in its programs and activities.

This policy covers non-discrimination in employment and in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive or limit the educational, employment, or social access, benefits and/or opportunities of any member of the campus community, guest or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the Perry Technical Institute policy on non-discrimination. When brought to the attention of the school, any such discrimination will be appropriately addressed and remedied according to the Equity Resolution Process described below. Non-members of the campus community who engage in discriminatory actions within school programs or on school property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with school programs as the result of their misconduct.

## **2. Perry Technical Institute Policy on Accommodation of Disabilities**

Perry Technical Institute is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

More information regarding Perry Technical Institute's policies on disability accommodations can be found at [perrytech.edu/diversity/disabilities.html](http://perrytech.edu/diversity/disabilities.html).

### **a. Students with Disabilities**

Perry Technical Institute is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the school.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Learning Resource & Exam Center Manager who coordinates services for students with disabilities. The Learning Resource & Exam Center Manager reviews documentation provided by the student and, in consultation with the student (and at times with the Dean or Associate Dean of Education), determines which accommodations are appropriate to the student's particular needs and academic programs.

The Learning Resource & Exam Center Manager can be reached by email at [ada@perrytech.edu](mailto:ada@perrytech.edu), or by phone 509.895.5862.

More information about Perry Technical Institute's policy on Disability Accommodations and documentation requirements can be found at [perrytech.edu/diversity/disabilities.html](http://perrytech.edu/diversity/disabilities.html).

Amanda Wesselius, Human Resources Specialist, has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance.

#### **b. Employees with Disabilities**

Pursuant to the ADA, Perry Technical Institute will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to the ADA Coordinator for Employees, Amanda Wesselius, Human Resources Specialist, and provide appropriate documentation. The Human Resources Specialist will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

### **3. Perry Technical Institute Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Perry Technical Institute's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under PTI policy. PTI policy on prohibited forms of harassment can be found in the student catalog online at [perrytech.edu/academics/catalog.pdf](http://perrytech.edu/academics/catalog.pdf) and the employee handbook.

#### **a. Discriminatory and Bias-Related Harassment**

Harassment constitutes a form of discrimination that is prohibited by Perry Technical Institute policy as well as the law. Perry Technical Institute condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. Perry Technical Institute will address all forms of harassment when reported. When harassment rises to the level of creating a hostile environment, Perry Technical Institute may also impose sanctions on the harasser through application of the Equity Resolution Process. PTI's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent such that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

The school reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. Addressing such behaviors may not result in the imposition of discipline under school policy, but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms.

For assistance with conflict resolution techniques contact Carol Helms, Human Resources Manager: carol.helms@perrytech.edu, 509.895.5755

## **b. Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of Washington regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Perry Technical Institute has adopted the following definition of sexual harassment, in order to address the special environment of the campus community.<sup>2</sup>

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based,
- verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment at Perry Technical Institute is encouraged to report it immediately to the Title IX Coordinator. Remedies, education and/or training will be provided in response. All staff and faculty at Perry Technical Institute are mandatory reporters, required to inform the Title IX Coordinator if they learn of any instance of sexual harassment, sex or gender based discrimination or sexual misconduct.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment (as defined on page 10) and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- Severe, or
- persistent or pervasive, and
  - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from PTI's education program or employment

*Quid Pro Quo* Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

## **c. Non-Fraternization Policy**

Students should be assured that the relationships they develop with the PTI community will always be built upon the highest ethical precepts of the workplace and educational profession.

In order to promote the efficient and fair operation of Perry Technical Institute and to avoid misunderstandings, complaints of favoritism, supervision problems, security problems, morale problems, questions regarding academic achievement and possible claims of sexual harassment, students are strictly prohibited from fraternizing with employees, including but not limited to:

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<sup>2</sup> Also of relevance is the Office of Civil Rights 2001 statement on sexual harassment, "Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX," which can be found at: <http://www2.ed.gov/legislation/FedRegister/other/2001-1/011901b.html>.

- Dating
- Pursuit to date
- Romantic or sexual relationships with PTI employees (staff or faculty)
- Monetary transactions of any kind

#### **d. Sexual Misconduct**

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, Perry Technical Institute views sex or gender based discrimination as sexual misconduct, and violations of this policy may result in sanctions. Generally speaking, Perry Technical Institute considers non-consensual sexual intercourse violations to be the most serious of these offenses and the most severe penalties may be imposed, including suspension or expulsion for students and termination for employees.

However, Perry Technical Institute reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved. Violations include:

- i. Sexual Harassment (as defined in section b above)**
- ii. Non-Consensual Sexual Intercourse**

Defined as:

- any sexual intercourse
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force<sup>3</sup>

Sexual intercourse includes:

- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

- iii. Non-Consensual Sexual Contact<sup>4</sup>**

Defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual touching includes:

- Intentional contact with the breasts, groin or genitals, or mouth;

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<sup>3</sup> The use of force in non-consensual sexual intercourse and contact-based incidents is not “worse” than the subjective experience of violation of someone who is a victim of sexual intercourse or sexual contact without consent. However, the use of physical force constitutes a stand-alone non-sexual offense as well, as it is our expectation that those who use physical force (restrict, battery, etc.) would face not just the sexual misconduct allegation, but allegations under the code for the additional assaultive behavior.

<sup>4</sup> The state definition of sexual assault can be found in RCW 9A, Washington Criminal Code, which is applicable to criminal prosecutions for sexual assault in Washington State, but may differ from the definition used on campus to address policy violations.

- Touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

#### iv. **Sexual Exploitation**

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Prostitution.
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), or an infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs to another person without his or her knowledge or consent, with intent to commit sexual acts against or with him or her without his or her consent.
- Exposing one's genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying.

#### v. **Force and Consent<sup>5</sup>**

**Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.").

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent:** Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words

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<sup>5</sup> Washington state definition of consent is "at the time of the act of sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact." (RCW 9A.44.010).

or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

In Washington State, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act.

NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how”). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

#### **4. Other Civil Rights Offenses**

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party’s actual or perceived membership in a protected class.

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the PTI community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity, especially as may be perpetrated by upperclassmen against underclassmen.
- Bullying, defined as
  - Repeated and/or severe

- Aggressive behavior
- Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
- Intimate Partner Violence, defined as violence or abuse between those in an intimate interaction and/or relationship to each other<sup>6</sup>;
- Stalking
  - Stalking 1:
    - A course of conduct
    - Directed at a specific person
    - On the basis of actual or perceived membership in a protected class
    - That is unwelcome, AND
    - Would cause a reasonable person to feel fear
  - Stalking 2:
    - Repetitive and menacing
    - Pursuit, following, harassing and/or interfering with the peace and/or safety of another
- Other school policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

Sanctions for the above-listed "Other Civil Rights Behaviors" behaviors range from reprimand through expulsion (students) or termination of employment (employees).

## 5. Standard of Evidence

In all instances of student conduct policy violations, Perry Technical Institute adheres to the preponderance of evidence standard. Under a preponderance of evidence standard, a decision of responsibility is based on whether it is "more likely than not" that the alleged policy violation occurred. Determining responsibility under a preponderance of evidence standard requires that more than 50% of the evidence points toward an individual responsible for the policy violation in question.

## 6. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, for bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of school policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Perry Technical Institute is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

## 7. Remedial Action

Perry Technical Institute will implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, transportation accommodations, visa and immigration assistance, student financial aid counseling,

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<sup>6</sup> Washington State defines Dating and Domestic Violence as "(a) Physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member" (RCW 26.50.010).

providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

Perry Technical Institute will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation.

The school will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair PTI's ability to provide the accommodations or protective measures.

Procedures for handling reported incidents are fully described below.

## **8. Confidentiality and Reporting of Offenses under This Policy**

All school employees (faculty, staff, and administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. The following describes the reporting options at Perry Technical Institute:

### **a. Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- Off-campus (non-employees):
  - Licensed professional counselors
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediate threat or danger or abuse of a minor.

### **b. Formal Reporting Options**

All Perry Technical Institute employees have a duty to report. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal school action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that Perry Technical Institute's ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with the Equity Resolution Process.

In cases indicating pattern, predation, threat, weapons and/or violence, the school will likely be unable to honor a request for confidentiality. In cases where the reporting party requests

confidentiality and the circumstances allow PTI to honor that request, the school will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have allegations taken seriously by Perry Technical Institute when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: The Director of Facilities & Safety, the Dean of Education, and the President. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy. Anonymous reports can be made by victims and/or third parties using the online reporting form posted at [www.perrytech.edu/safety/incident-report.html](http://www.perrytech.edu/safety/incident-report.html). Note that anonymous reports may prompt a need for the institution to investigate.

Failure of an employee to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of Perry Technical Institute policy and can be subject to disciplinary action for failure to comply.

### **9. Federal Timely Warning Obligations**

Parties reporting sexual misconduct should be aware that under the Clery Act, Perry Technical Institute administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The school will 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 potential danger.

### **10. False Allegations**

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

### **11. Amnesty for Reporting Party and Witnesses**

The Perry Technical Institute community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to school officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to school officials, and that witnesses come forward to share what they know. To encourage reporting, Perry Technical Institute offers reporting parties and witnesses amnesty from minor policy violations related to the incident.

### **12. Federal Statistical Reporting Obligations**

Certain campus officials - those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information to be shared includes the date, the

location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. Perry Technical Institute's Annual Report is published each October and includes statistics for the previous three calendar years. The Annual Security Report can be accessed at [perrytech.edu/doc/annual\\_security\\_report.pdf](http://perrytech.edu/doc/annual_security_report.pdf).

# **EQUITY RESOLUTION PROCESS for Allegations of Harassment, Sexual Misconduct and Other Forms of Discrimination**

Perry Technical Institute will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Non-discrimination, that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class involving students, staff or faculty members. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, etc.). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student and employee handbooks.

## ***Overview***

Upon notice to the Title IX Coordinator, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the non-discrimination policy has been violated. If so, the school will initiate a confidential investigation that is thorough, reliable, impartial, prompt and fair. The investigation and the subsequent resolution process determines whether the non-discrimination policy has been violated. If so, the school will promptly implement effective remedies designed to end the discrimination, prevent its recurrence and address its effects.

### **1. Equity Resolution Process (ERP)**

Allegations under the policy of non-discrimination are resolved using the ERP. ERP members are trained in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to allegations
- To investigate allegations
- To act as process advisors to those involved in the Equity Resolution Process
- To serve on appeal panels for allegations

ERP members also recommend proactive policies. The President, in consultation with the Title IX Coordinator, appoints members to the ERP pool, which reports to the Title IX Coordinator. ERP team members receive annual training organized by the Title IX Coordinator, including a review of Perry Technical Institute policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety and promote accountability. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to all forms of harassment and discrimination allegations; Perry Technical Institute's Discrimination and Harassment Policies and Procedures (including Sexual Misconduct); confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance. All ERP members are required to attend this annual training to be eligible to serve.

ERP members' appointment is reviewed annually. Appointments are made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving as ERP members are encouraged to contact the Title IX Coordinator.

## 2. Reporting Misconduct

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Non-discrimination has been violated should contact the Title IX Coordinator.

It is also possible for employees to notify a supervisor, or for students to notify any staff or faculty member. Any member of the community, including visitors, may contact the Director of Facilities and Safety, or the Campus Security Officer. These individuals will in turn notify the Title IX Coordinator. The Perry Technical Institute website also includes a reporting form at <https://www.perrytech.edu/safety/incident-report.html> which may serve to initiate the resolution process.

All employees receiving reports of a potential violation of Perry Technical Institute policy are expected to promptly contact the Title IX Coordinator within one school day of becoming aware of a report or incident. All initial contacts will be treated with privacy; specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the school's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, Perry Technical Institute will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

## 3. Preliminary Inquiry

Following receipt of notice or a report of misconduct, the Title IX Coordinator<sup>7</sup> engages in a preliminary inquiry to determine if there is reasonable cause to believe the non-discrimination policy has been violated. The preliminary inquiry is typically 1-3 days in duration. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, the school reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed or PTI determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will determine whether the allegation will be resolved through either:

- Conflict Resolution –only available when both parties agree to conflict resolution.
- Administrative Resolution – resolution by a trained administrator, making use of the school's ERP member investigators<sup>8</sup> and resolution panel.

The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator. Conflict resolution may only occur if selected by all parties,

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<sup>7</sup> If circumstances require, the President or Title IX Coordinator may designate another person to oversee the process below, should an allegation be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill his/her duties.

<sup>8</sup> In the event of allegations involving employees of Perry Technical Institute, the school may utilize trained investigators from outside the organization for privacy and neutrality.

otherwise the Administrative Resolution Process applies.

If conflict resolution is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Once a formal investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the responding party at an appropriate time during the investigation.<sup>9</sup> Perry Technical Institute aims to complete all investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator.

#### **4. Interim Remedies/Actions**

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress impact to the reporting party and the community and to prevent further violations. Responding parties will also be provided with equitable interim remedies. Every effort will be made to avoid depriving any student of their education.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the campus community
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

The school may interim suspend a student, or employee pending the completion of ERP investigation and procedures, particularly when in the judgment of the Title IX Coordinator the safety or well-being of any member(s) of the campus community may be jeopardized by the presence of the responding party. In all cases in which an interim suspension is imposed, the student or employee will be given the option to meet with the Title IX Coordinator, or Dean of Education prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

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<sup>9</sup> Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official Perry Technical Institute records; or emailed to the parties' school-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The reporting party is typically copied on such correspondence.

During an interim suspension or administrative leave, a student or employee may be denied access to PTI campus/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other Perry Technical Institute activities or privileges for which the student or employee might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

To the extent possible, the institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

## **5. Investigation**

Once the decision is made to commence a formal investigation, the Title IX Coordinator appoints two ERP members to conduct the investigation, usually within two days of determining that an investigation should proceed. In cases involving allegations against employees, PTI may utilize investigators from outside the organization. Investigations are completed expeditiously, though some investigations take weeks or even months, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

Perry Technical Institute may delay its investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors are being investigated. The school will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. Perry Technical Institute action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

A typical investigation proceeds as follows:

- Initiate or assist with any necessary remedial actions;
- Determine the identity and contact information of the reporting party;
- Identify all policies allegedly violated;
- Immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
- Commence a thorough, reliable and impartial investigation
- Prepare the notice of allegation [charges] on the basis of the preliminary inquiry;
- Meet with the reporting party to finalize their statement, if necessary;
- Provide written notification to the parties prior to their interviews that they may have the assistance of an advisor of their choosing present for all meetings attended by the advisee;
- Provide reporting party and responding party with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses;

- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to the reporting party throughout the investigation, and to the responding party, as appropriate;
- Recommend to the Title IX Coordinator a finding, based on a preponderance of the evidence (whether it is “more likely than not” that a policy violation occurred);
- *For students:* Share findings of investigation and recommended sanctions (if applicable) with ERP panel comprised of the President, and Deans of Education to determine final outcome (and sanctions, if applicable);
- *For employees:* Share findings of investigation and recommended sanctions (if applicable) with ERP panel comprised of the President, and Human Resources Manager(s) to determine final outcome (and sanctions, if applicable);
- The Title IX Coordinator finalize and present the findings to the parties, without undue delay between notifications.

At any point during the investigation, if it is determined there is no reasonable cause to believe that Perry Technical Institute policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

The chart on the next page outlines a typical investigation process.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the school’s investigation and the Equity Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process may constitute a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

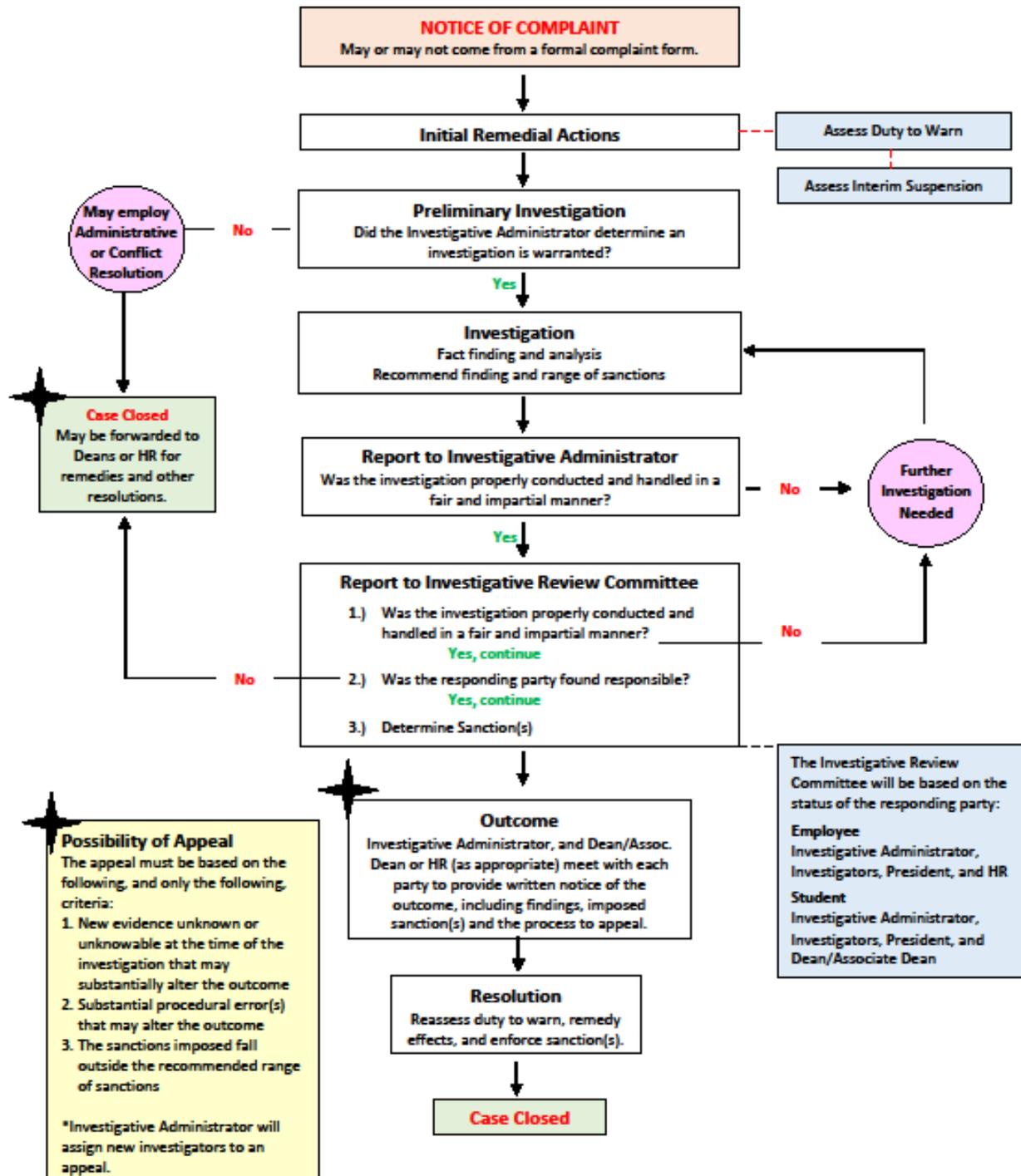
No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Equity Resolution Process proceedings.

Should the reporting party graduate or leave PTI during the investigation or decide that he or she no longer wants the school to conduct the investigation, Perry Technical Institute reserves the right to continue with the investigation. Factors such as threats of violence, use of a weapon or force, or other past behaviors will all be weighed when assessing if the investigation will continue.

# PTI Equity Resolution Process

Investigative Administrator Contact List: Emily Jameson Dubow, Carol Helms, Kaila Lockbeam, Erin Fishburn, Garet Gasseling

Investigative Review Committee: Christine Cote (President), Nathan Hull (Dean of Education), Jason Lamiquiz (Assoc. Dean of Education)



## 6. Advisors

Each party is allowed to have an advisor of their choice present with them for all ERP meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and otherwise not involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community, or proceed without an advisor. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. Advisors are expected to refrain from discussing the investigation with anyone except for the party they are advising, and agree to uphold the confidentiality of the investigation.

The parties must advise the investigators of the identity of their advisor at least one day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time.

The school cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the school is not obligated to provide one. However, to promote fairness and transparency, if one party selects an attorney as their advisor the Title IX Coordinator will notify the other party that an attorney will be present in the capacity of advisor.

### Expectations of Advisors

- All advisors are subject to the same campus rules, whether they are attorneys or not.
- Advisors may not address campus officials in a meeting or interview unless invited to.
- The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or sanctioning panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor.
- Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation.
- Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the school an opportunity to clarify the role the advisor is expected to take.
- Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of his/her role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.
- The school expects that the parties will share documentation related to the allegations with their advisors directly if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the school.
- The school may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the school's privacy expectations.

- The school expects an advisor to adjust his/her schedule to allow him/her to attend school meetings when scheduled. The school does not typically change scheduled meetings to accommodate an advisor's inability to attend. The school will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not committed to using the same advisor throughout.

If an advisor is an attorney, this must be disclosed to the Title IX Coordinator at least 24 hours prior to scheduled meeting where attorney will be present, and the institution reserves the right to have its own legal counsel present during the process. If any advisor conducts themselves in a manner inconsistent with guidelines, then the individual will no longer be considered an advisor and the conduct administrator or board chair may excuse the individual from the conduct process.

## **7. Resolution**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with Perry Technical Institute policy. While the contents of the investigation and outcome are private, the parties have discretion to share their own experiences if they so choose.

### **a. Conflict Resolution/ Mediation**

Conflict Resolution is encouraged as an alternative to the formal process to resolve conflicts. The Title IX Coordinator will determine if Conflict Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to Conflict Resolution. In a Conflict Resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a Conflict Resolution Process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict Resolution will not be the resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy. It is not necessary to pursue Conflict Resolution first in order to pursue Administrative Resolution, and any party participating in conflict resolution can stop that process at any time and request a shift to Administrative Resolution.

### **b. Administrative Resolution**

Administrative Resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Non-discrimination, at any time during the process.

In general, resolving other civil rights offenses (as listed on page 9) involving students may be handled by the Dean or Associate Dean of Education, or by Human Resources if the incident involves employees. If there appears to be an additional element of sex or gender based harassment or discrimination, these cases will be subject to the Equity Resolution Process described in this document. Similarly, allegations of sexual assault, dating or domestic violence, and stalking will be investigated according to the Equity Resolution Process.

In Administrative Resolution, the Title IX Coordinator has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment and retaliation, but

also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment and Non-discrimination. Accordingly, investigations should be conducted with as wide a scope as necessary.

Any evidence that the Title IX Coordinator believes is relevant and credible may be considered, including history and pattern evidence. The Title IX Coordinator may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial. Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party, (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators will supply the Title IX Coordinator with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

The Title IX Coordinator will base the determination(s) on the preponderance of the evidence, whether it is more likely than not that the responding party violated policy as alleged.

The responding party may choose to admit responsibility for all or part of the alleged policy violations at any point during the investigation or Administrative Resolution process. If the responding party admits responsibility, the Title IX Coordinator will render a determination that the individual is in violation of Perry Technical Institute policy.

If the responding party admits the violation, or is found in violation, the Title IX Coordinator, in consultation with others as appropriate, will determine an appropriate sanction or responsive action, will implement it, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct.

The Title IX Coordinator will inform the parties of the final determination within three (3) days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official Perry Technical Institute records; or emailed to the parties' Perry Technical Institute-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the school is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the school is permitted to share under state and federal law. The notice will also include information on when the results are considered by Perry Technical Institute to be final, any changes that occur prior to finalization, and the appeals process.

### **c. Sanctions**

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the panel
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation

- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community

### **i. Student Sanctions**

The following are the usual sanctions that may be imposed upon students singly or in combination:

- *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any Perry Technical Institute policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation*: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student is found in violation of any Perry Technical Institute policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Perry Technical Institute. The school reserves the right to note this sanction as a Conduct Suspension on the student's official transcript.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend Perry Technical Institute-sponsored events. This sanction may be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma*: The school may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The school reserves the right to revoke a certificate or degree awarded from Perry Technical Institute for fraud, misrepresentation or other violation of school policies, procedures or directives in obtaining the certificate or degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, de-recognition, loss of all privileges (including school registration), for a specified period of time.

The sanctioning panel for student policy violations will also determine whether or not a transcript notation will be included on a student's transcript. In general, transcript notations will be reserved for findings of responsibility in sexual misconduct policy violation investigations.

### **ii. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*

- *Suspension without pay*
- *Termination*

#### **d. Withdrawal or Resignation While Charges Pending**

Students: Perry Technical Institute does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment and Non-discrimination. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Perry Technical Institute unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Responding parties who withdraw in the middle of an investigation run the risk of a Title IX transcript notation being placed on their transcript as a result.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any Perry Technical Institute responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

#### **e. Appeals**

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three days of the delivery of the written finding of the Title IX Coordinator. Any party may appeal the findings and/or sanctions only under the grounds described below.

Appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the investigation or sanctioning panel (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the school has designated for this offense and the cumulative record of the responding party.

The Title IX Coordinator will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three days. These response or appeal requests will be shared with each party. The Title IX Coordinator will appoint two new investigators from the ERP team who have not been involved in the previous process to handle the appeal.

Where the appeals panel finds that at least one of the grounds is met by at least one party,

additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-investigations of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original investigator(s) or Title IX Coordinator merely because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the appeals panel.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - For students: Graduation, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three days of the resolution of the appeal or remand.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand.
- All parties will be informed in writing within three days of the outcome of the appeal, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural [or substantive] error cannot be cured by the original investigator(s) and/or Title IX Coordinator (as in cases of bias), the appeals panel may recommend a new investigation and/or Administrative Resolution process, including a new Title IX Coordinator. The results of a remand cannot be appealed. The results of a new Administrative Resolution process can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to the school or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### **f. Long-Term Remedies/Actions**

Following the conclusion of the Equity Resolution Process and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedies or actions to stop the harassment or discrimination, remedy its effects and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the campus community
- Permanently altering work arrangements for employees
- Providing campus escorts
- Climate surveys
- Policy modification

- Providing transportation accommodations
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures.

#### **g. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Title IX Coordinator. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the school and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **h. Records**

In implementing this policy, records of all allegations, investigations, resolutions, and sanctioning panel outcomes will be indefinitely kept by the Title IX Coordinator.

#### **i. Statement of the Rights of the Parties**

##### ***Statement of the Reporting Party's rights:***

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to Perry Technical Institute officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without consent;
- The right to be treated with respect by Perry Technical Institute officials;
- The right to have Perry Technical Institute policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right not to be discouraged by Perry Technical Institute officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by Perry Technical Institute officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials;

- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to a campus no-contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
  - Assistance from school support staff in completing the relocation
  - Transportation accommodations
  - Establishing no-contact directives
  - Exam (paper, assignment) rescheduling
  - In rare instances, transferring class sections
  - Temporary withdrawal
  - Alternative course completion options
- The right to have the school maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
- The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to a finding by the ERP members;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports addressed by ERP member investigators and the Title IX Coordinator who have received annual sexual misconduct training;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings and/or interviews that are closed to the public;
- The right to petition that any Perry Technical Institute representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
- The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
- The right to submit an impact statement in writing to the Title IX Coordinator following determination of responsibility, but prior to sanctioning;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision by the school is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the school.

### ***Statement of the Responding Party's rights:***

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to Perry Technical Institute administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by Perry Technical Institute officials;
- The right to have Perry Technical Institute policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to the finding by the Title IX Coordinator;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by investigators and Title IX Coordinator who have received annual training;
- The right to petition that any Perry Technical Institute representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;
- The right to meetings and interviews that are closed to the public;
- The right to have an advisor of their choice to accompany and assist throughout the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to provide an impact statement in writing to the Title IX Coordinator following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision of the school is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the school.

### **8. Disabilities Accommodation in the Equity Resolution Process**

Perry Technical Institute is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at the Perry Technical Institute. Anyone needing such accommodations or support should contact the Title IX Coordinator, who will review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full participation.

### **9. Revision**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. Perry Technical Institute reserves the right to make changes to this document as necessary and once

those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of Washington State and federal laws which frame such codes generally.

This policy and procedure was implemented in July, 2016.

Updated July, 2018.