

## POLICIES AND PROCEDURES TO COMPLY WITH TITLE IX REGULATIONS

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

### Definitions of Terminology Used

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

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

Don Corvin  
Senior VP of Compliance / Title IX Coordinator  
1401 Dove Street, Suite 220  
Newport Beach, CA 92660  
(949) 590-4882 or [unitekcompliance@unitek.com](mailto:unitekcompliance@unitek.com)

Sara Cramlet  
Senior VP of Human Resources  
1401 Dove Street, Suite 340  
Newport Beach, CA 92660  
(949) 407-6685 or [scramlet@unitek.com](mailto:scramlet@unitek.com)

3. **Actual knowledge** – notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College.
4. **Deliberately indifferent** – a response would be considered deliberately indifferent only if it were clearly unreasonable in light of known circumstances.
5. **Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
6. **Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
7. **Education Program or Activity** – includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the harassment occurs.
8. **Formal complaint** – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be

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

9. **Supportive Measures** – non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter sexual harassment.

### Policy on Sexual Harassment

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

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

- A College employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (otherwise known as a *quid pro quo*);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity;
- “Sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined under the Violence Against Women Act (VAWA) – *please see definitions included in the next section.*

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

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

Upon receiving a formal or informal complaint of sexual harassment, the College will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the grievance process detailed on the subsequent pages of this Annual Security Report before the imposing any disciplinary sanctions or other actions which are not supportive measures against a respondent. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

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

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

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

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

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

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

1. **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not

include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. The states of Arizona and New Mexico include “dating violence” under domestic violence statutes.

2. **Domestic Violence** – a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; and/or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

***Per Arizona Revised Statute 13-3601:*** A crime of violence or criminal damage, if any of the following apply: 1) The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household; 2) The victim and the defendant have a child in common; 3) The victim or the defendant is pregnant by the other party; 4) The victim is related to the defendant or the defendant’s spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law; 5) The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant; 6) Dating Violence - the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship: (a) The type of relationship; (b) The length of the relationship; (c) The frequency of the interaction between the victim and the defendant; and (d) If the relationship has terminated, the length of time since the termination.

***Per New Mexico Statutes 30-3-10, et seq., “Crimes Against Household Members Act”:*** “Domestic violence” is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co- parent or a child, or a person with whom someone has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member under the Act. In addition, under the New Mexico Family Violence Protection Act, violation of a court-issued order or protection granted to protect an individual who has experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime. Regarding “dating violence,” under New Mexico Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.

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

*Per Arizona Revised Statute 13-2923:* A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to: 1) Suffer emotional distress or reasonably fear that either: (a) The victim’s property will be damaged or destroyed. (b) Any of the following will be physically injured: (i) The victim. (ii) The victim’s family member, domestic animal, or livestock. (iii) A person with whom the victim has or has previously had a romantic or sexual relationship. (iv) A person who regularly resides in the victim’s household or has resided in the victim’s household within the six months before the last conduct occurred. 2) Reasonably fear death or the death of any of the following: (a) The victim’s family member, domestic animal or livestock. (b) A person with whom the victim has or has previously had a romantic or sexual relationship. (c) A person who regularly resides in the victim’s household or has resided in the victim’s household within the six months before the last conduct occurred. “Course of conduct:” (a) Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following: (i) Maintain visual or physical proximity to a specific person or direct verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short. (ii) Use of any electronic, digital or global positioning system device to surveil a specific person or a specific person’s internet or wireless activity continuously for 12 hours or more or on two or more occasions over a period of time, however short, without authorization. (iii) Communicate, or cause to be communicated, on more than one occasion words, images or language by or through the use of electronic mail or electronic communication that is directed at a specific person without authorization and a legitimate purpose. (b) Does not include constitutionally protected activity or other activity authorized by law, the other person, the other person’s authorized representative or if the other person is a minor, the minor’s parent or guardian. “Emotional distress” means significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.

*Per New Mexico Statutes 30-3A-3, et seq., “Stalking”:* Under New Mexico law, “stalking” is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual. “Aggravated stalking” consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

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

**Per Arizona Revised Statute 13-1406:** A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without the consent of each person.

**State of New Mexico Definition of Sexual Violence:** Sexual violence refers to physical sexual acts perpetrated with force or coercion against a person's will; or where a person has not given consent as defined in this policy or is unable to consent due to the use of alcohol or drugs, disability, or age. It may include sexual assault, forcible fondling, or any other conduct of a sexual nature that is nonconsensual. Sexual violence is a crime. 1) Rape/sexual assault: non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object. 2) Non-consensual oral sex: non-consensual contact between one person's mouth and the genitals or anus of another person. 3) Sexual contact/battery: non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way. 4) Sexual coercion: the act of using pressure, alcohol or drugs, or force to have sexual contact with someone against the individual's will and includes persistent attempts to have sexual contact with someone who has already refused.

- a. **Consent** – when someone agrees, gives permission, or says “yes” to sexual activity with other persons. Consent is always freely given and all people in a sexual situation must feel that they are able to say “yes” or “no” or stop the sexual activity at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional, psychological, physical, reputational, financial pressure, threat, intimidation, or fear (coercion or force).
- b. **Without Consent (Arizona Revised Statute 13-1401)** – “Without consent” includes any of the following: 1) The victim is coerced by the immediate use or threatened use of force against a person or property. 2) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another. 3) The victim is intentionally deceived as to the nature of the act. 4) The victim is intentionally deceived to erroneously believe the person is the victim's spouse.
- c. **Force or Coercion (New Mexico Statute 30-9-10)** – New Mexico defines “force or coercion” as: 1) the use of physical force or physical violence; 2) the use of threats to use physical violence or physical force against the victim or another when the victim believes that there is a present ability to execute the threats; 3) the use of threats, including threats of physical punishment, kidnapping, extortion or retaliation directed against the victim or another when the victim believes that there is an ability to execute the threats; 4) the perpetration of criminal sexual penetration or criminal sexual contact when the perpetrator knows or has reason to know that the victim is unconscious, asleep or otherwise physically helpless or suffers from a mental condition that renders the victim incapable of understanding the nature or consequences of the act; or 5) the perpetration of criminal sexual penetration or criminal sexual contact by a psychotherapist on his patient, with or without the patient's consent, during the course of psychotherapy or within a period of one year following the termination of psychotherapy. Physical or verbal resistance of the victim is not an element of force or coercion.



- d. **Rape** – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Per Arizona Revised Statute 13-1406 et seq.:** Sexual assault (commonly called **rape**) occurs when a person intentionally or knowingly engages in sexual intercourse or oral sexual contact without the other person’s consent.

**Per New Mexico Statute 30-9-11 et seq.:** Rape (also known as criminal sexual penetration) is intentionally causing another person to have unlawful sex or causing the penetration of another person’s genital or anal opening.

- e. **Fondling** – the touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- f. **Incest** – non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Per Arizona Revised Statute 13-3608:** Persons who are eighteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other are guilty of incest.

**Per New Mexico Statute 30-10-3:** Incest consists of knowingly intermarrying or having sexual intercourse with persons within the following degrees of consanguinity: parents and children including grandparents and grandchildren of every degree, brothers and sisters of the half as well as of the whole blood, uncles and nieces, aunts and nephews.

- g. **Statutory Rape** – non-forcible sexual relations involving someone below the “age of consent”. A person below the age of consent cannot legally consent to having sex. This means that sex with them, by definition, violates the law. Statutory rape laws vary by state, with states setting the age of consent differently, as well as using different names to refer to this crime.

**Per Arizona Revised Statutes 13-1401, 13-702-706, 13-1423:** A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age.

**Per New Mexico Statute 30-9-13:** Criminal sexual contact of a minor is the unlawful and intentional touching of or applying force to the intimate parts of a minor or the unlawful and intentional causing of a minor to touch ones intimate parts. For the purposes of this section, "intimate parts" means the primary genital area, groin, buttocks, anus or breast. Criminal sexual contact of a minor in the second degree consists of all criminal sexual contact of the unclothed intimate parts of a minor perpetrated: (1) on a child under thirteen years of age; or (2) on a child thirteen to eighteen years of age when: (a) the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit; (b) the perpetrator uses force or coercion that results in personal injury to the child; (c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or (d) the perpetrator is armed with a deadly weapon. Criminal sexual contact of a minor in the

third degree consists of all criminal sexual contact of a minor perpetrated: (1) on a child under thirteen years of age; or (2) on a child thirteen to eighteen years of age when: (a) the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit; (b) the perpetrator uses force or coercion which results in personal injury to the child; (c) the perpetrator uses force or coercion and is aided or abetted by one or more persons; or (d) the perpetrator is armed with a deadly weapon.

### Minimizing Risk

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

### Engaged Bystander Intervention

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

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

#### 5 Decision Making Steps

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

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

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



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

### Strategies in a Non-Emergency Situation

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

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

For more information on bystander intervention, please visit the following helpful resources:

1. Step UP!, a bystander intervention program - <http://stepupprogram.org/>
2. The National Sexual Violence Resource Center - <https://www.nsvrc.org/projects/engaging-bystanders-sexual-violence-prevention/bystander-intervention-resources>
3. Sexual Violence Bystander Intervention Toolkit - <https://www.health.ny.gov/publications/2040.pdf>
4. The Rape, Abuse and Incest National Network (RAINN) - <https://www.rainn.org/articles/your-role-preventing-sexual-assault>
5. No More - <http://nomore.org/take-action/preventviolence>

## Signs of Stalking

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

- You receive repeated, unwanted, intrusive, and/or frightening communications from the perpetrator by phone, text message, email and/or mail
- An individual repeatedly leaves or sends you unwanted items or gifts
- An individual waits for you at places such as your home, school, place of employment, or other places you frequent
- You are receiving threats of harm to you personally, your children, relatives, friends, and/or pets
- You experience damage to your home, vehicle or other personal property
- You are being harassed, defamed and/or monitored through social media

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

## Examples of Domestic and Dating Violence

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

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

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

- Your spouse or significant other checks up on you constantly by calling or texting you and becomes anxious when he or she does not know your whereabouts
- You feel isolated from your friends or family members because your spouse or significant other is demanding of your time and acts jealous when you talk to or spend time with others
- A person you are dating becomes possessive and gets too serious about the relationship too quickly

- A spouse or significant other expects or demands sexual contact when you are not interested or not willing to engage
- Your spouse or significant other constantly demeans you by putting you down or calling you names
- Your spouse or significant other threatens violence and/or abuses you physically, verbally and/or sexually
- Your spouse or significant other does not accept responsibility for his or her actions
- You discover someone is obtaining personal information about you by accessing public records, using internet search services, hiring private detectives, rummaging through your trash, contacting your friends, family, co-workers, neighbors, etc.

While understanding the signs of abuse and taking measures to reduce the risk of abuse may be steps to help explain the context of violence and may act as a deterrent, it can never be used to place blame on the victim or guarantee that violence will not occur. It is important to remember that when violence or abuse occurs, the perpetrator, not the victim, is responsible for his or her actions, and the victim's judgement or behavior is never an excuse for those actions.

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

#### **In the home**

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

#### **Outside the home**

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

#### **In an Emergency Situation**

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

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

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

- Use a “buddy” system and avoid walking alone, especially at night. Travel in well-lit areas and in pairs or a group, if possible. Avoid deserted areas and shortcuts.
- Let family and friends know where you are going, your method of transportation, and when you will return.
- Never hitchhike or get in a stranger’s car.
- Avoid excessive alcohol consumption, which may impair judgment, especially in unfamiliar surroundings or situations. Additionally, to that end:
  - Be aware of rape drugs.
  - Do not leave your drink unattended and keep track of how many drinks you have had.
  - Only drink from un-opened containers or from drinks you have watched being made and poured.
  - Avoid group drinks like punch bowls.
  - If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find a friend and have him/her help you leave as soon as possible.
  - If you feel you have been drugged, get to a hospital to be tested.
- Always lock your door when you are home or away.
- Always lock your vehicle and keep your keys with you at all times.
- When possible, leave items of value at home.
- If you need to have valuables with you, never leave them visible in your vehicle.
- Avoid being distracted (talking on your cell phone, texting, etc.) when walking through parking lots or in other public areas.
- Do not leave personal property unattended in classrooms, labs, or in the student lounge.
- If you feel unsafe or threatened, contact the Front Desk Receptionist or a designated CSA, or dial 9-1-1.

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

### Policy on Retaliation

Brookline College believes strongly that students and employees have the right to be free from retaliation and intimidation in any form. To that end, Brookline College and its administration will not allow for intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal

complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation and will not be allowed.

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

### Policy on Voluntary Reporting

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

1. The victim can file a complaint but request not to have charges filed against the accused perpetrator(s). The decision to file charges can be made at a later time, but depending on the amount of time that passes, evidence may be lost or unusable. Therefore, it is important that victims cooperate fully with any ongoing investigation and have a rape kit completed (if rape was involved) so that the chances for filing criminal charges in the future are greater, if so desired.
2. The victim can file a complaint and press charges immediately. This would involve full cooperation with law enforcement and the prosecutor's office to determine if the accused perpetrator can and will be charged criminally.

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

Don Corvin  
Senior VP of Compliance / Title IX Coordinator  
1401 Dove Street, Suite 220  
Newport Beach, CA 92660  
(949) 590-4882  
[unitekcompliance@unitek.com](mailto:unitekcompliance@unitek.com)

Sara Cramlet  
Senior VP of Human Resources  
1401 Dove Street, Suite 340  
Newport Beach, CA 92660  
(949) 407-6685  
[scramlet@unitek.com](mailto:scramlet@unitek.com)

Any person may report sex discrimination or sexual harassment (including sexual assault, domestic violence, dating violence, and stalking) in person, by mail, by telephone, or by email using the contact information above. The report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office addresses listed above. The College will

assist by providing options for outside resources, pursuing an investigation, and/or conducting applicable disciplinary proceedings/actions.

## **Crime Awareness and Prevention Program**

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

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

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

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

1. Brookline's assertion that crimes of domestic violence, dating violence, sexual assault and stalking are strongly prohibited.
2. Definitions of domestic violence, dating violence, sexual assault, stalking, and what constitutes consent, including applicable definitions under local jurisdiction (states of Arizona and New Mexico).
3. Affirmation of Brookline's support for safe and positive bystander intervention and providing effective strategies and relevant resources.
4. Signs of domestic abuse, dating abuse, sexual assault and stalking to help students and employees identify when it could be happening to them.
5. Strategies to reduce the risk of becoming a victim of sexual assault or other violent crimes.



6. Procedures that victims should follow in the event of domestic abuse, dating abuse, sexual assault and/or stalking.
7. Efforts made by Brookline College to protect the confidentiality of victims and other applicable parties.
8. Current listing of applicable online and off-campus resources, categorized by location, for local law enforcement, emergency services, legal assistance, victim advocacy, restraining orders, and other services available for victims of sexual assault and/or abuse.
9. Options for assistance with protective orders and changes to living, working, transportation and school situations and schedules.
10. Procedures for applicable investigations and/or disciplinary actions in cases of alleged domestic violence, dating violence, sexual assault and stalking.

### Primary Prevention and Awareness Program

To promote ongoing prevention and awareness for students and employees, informational notices are posted on campus bulletin boards and email blasts and/or social media posts are provided as applicable.

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

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

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

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

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

Some online and off-campus resources to help prevent sexual assault and/or to help you in the event of sexual assault or domestic abuse are included on the next page.

#### Online Resources:

1. The Rape, Abuse and Incest National Network (RAINN) is the nation's largest anti-sexual assault organization. The following strategies are recommended by RAINN to reduce potential risk:
  - a. Steps you can take in a social situation to prevent sexual assault  
<https://rainn.org/articles/steps-you-can-take-prevent-sexual-assault>
  - b. Safety planning  
<https://www.rainn.org/articles/safety-planning>
  - c. How to respond if someone is pressuring you  
<https://www.rainn.org/articles/how-respond-if-someone-pressuring-you>
  - d. Staying safe on campus  
<https://www.rainn.org/articles/staying-safe-campus>
  - e. Your role as a bystander in preventing sexual assault  
<https://rainn.org/articles/your-role-preventing-sexual-assault>
  - f. What consent looks like  
<https://rainn.org/articles/what-is-consent>
  - g. Protecting a child from sexual assault  
<https://rainn.org/articles/how-can-i-protect-my-child-sexual-assault>
2. The United States Department of Justice  
<https://www.justice.gov/ovw/sexual-assault>
3. Next Door Solutions to Domestic Violence  
<http://www.nextdoor.org/>
4. The National Domestic Violence Hotline operates 24 hours a day, seven days a week, is confidential and free of cost, and provides lifesaving tools and immediate support to enable victims to find safety and live lives free of abuse:
  - a. Help for Survivors  
<http://www.thehotline.org/help/help-for-survivors/>
  - b. Path to Safety  
<http://www.thehotline.org/help/path-to-safety/>
  - c. Survivor Stories  
<http://www.thehotline.org/about-us/share-your-story/>
  - d. Moving on Emotionally After an Abusive Relationship  
<http://www.thehotline.org/2012/05/emotionally-recovering-from-an-abusive-relationship/>



## Protective Orders

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

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

## Confidentiality

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

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

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

2445 W. Dunlap Avenue Suite 100  
Phoenix, AZ 85021  
602-242-6265

## Options for Supportive Measures and Complainant's Rights

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

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

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

9. The College will provide the complainant with written documentation regarding the investigation and disciplinary proceedings which will be conducted as a result of the report.

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

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

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

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

- The College will not presume that the respondent is responsible for the alleged conduct prior to a determination being made at the conclusion of the grievance process.
- The College strives to complete all resolution proceedings, including the investigation, formal and informal meetings, hearing, and sanctions, as applicable, within sixty (60) calendar days of receiving a report. However, there is an allowance for extensions of timeframes for good cause, as necessary, and in that instance, written notice will be provided to the complainant and the respondent announcing the delay and the reason for it. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- The College uses the "preponderance of evidence" standard of evidence to determine whether the respondent has violated the College's policies. Use of this standard is irrespective of whether the respondent is a student or employee and is used consistently in all formal complaints of sexual harassment.

- Disciplinary actions for employees may include, but are not limited to, verbal warnings, letters of reprimand, suspension with or without pay, and termination. Such disciplinary actions for students may range from counseling to suspension and/or expulsion.
- Both the complainant and the respondent will be provided with written documentation of his/her right to appeal the decision and/or the sanction imposed. The appeal must be based on either a process error or based on new information/evidence which is introduced. Appeals must be made within 5 days of the original decision and should be directed to the Title IX Coordinator at [unitekcompliance@unitek.com](mailto:unitekcompliance@unitek.com).
- The College will not rely upon or use questions or evidence which constitute, or seek disclosure of, information protected under a legally-recognized privilege unless the person holding such privilege has waived the privilege.

### Providing Notice of Allegations

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

### Dismissal of a Formal Complaint

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

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



## Consolidation of Formal Complaints

The College reserves the right to consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

## Investigation of a Formal Complaint

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

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

- The College will ensure the creation of an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

### Hearings

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

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

### Determination Regarding Responsibility

Upon conclusion of the hearing, the appointed decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the College will apply the “preponderance of evidence” as the standard of evidence. The written determination will include: 1) identification of the allegations potentially constituting sexual harassment; 2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; 3) the findings of fact supporting the determination; 4) conclusions regarding the application of the College’s Code of Conduct to the facts; 5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether resolution designed to restore or preserve equal access to the College’s education program or activity will be provided by the College to the complainant; and 6) the College’s procedures and permissible bases for the complainant and respondent to appeal. The College will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The College’s Title IX Coordinator will be responsible for the effective implementation of any resolution measures.

### Right to Appeal

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

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

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

Regarding all appeals, the College will:

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

- Provide a written decision simultaneously to both parties describing the appeal results and the rationale for the decision.

### Informal Resolution Process

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

### Recordkeeping Policy

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

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