



PLATT COLLEGE

— *it's all about your future* —

Platt College Title IX Policy and Procedures

The College intends to provide a work and school environment free of unlawful harassment, sexual violence, discrimination, and retaliation. The College prohibits unlawful harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex, military or veteran status, part- or full-time status, physical or mental disability, medical condition, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. In accordance with Title IX of the Education Amendments of 1972, the College prohibits discrimination based on sex in its education program or activities, which extends to admission and employment. The College also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of our education programs or activities.

All students and employees are required to undergo mandatory Title IX training. Upon starting with the College, students are provided Title IX training during new student orientation and generally every year thereafter. New employees are provided with Title IX training upon hire and generally every year thereafter.

This Title IX policy prohibits sex discrimination, Sexual Harassment (including Sexual Violence) and retaliation by any employee, student, applicant for admission or employment, vendor, guest, contractor, or anyone who does business with the College. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a vendor or other person the College does business engages in sexual misconduct, the College will take appropriate corrective action.

This policy is published on the College website and provided during new employee and student orientations. The College will respond promptly to reported violations and will take appropriate action to prevent, to correct, and discipline (if necessary) individuals who violate this policy.

If you believe that you have experienced or witnessed harassment or discrimination on the basis of a protected category other than sex, please follow the procedure outlined in the Non-Discrimination/Anti-Harassment policy located in the Student Catalog.

Key Definitions

Sexual Harassment conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the College conditioning educational benefits or participation on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);
- b) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or

c) Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Reauthorization Act of 2013 (VAWA) (collectively referred to as “Sexual Violence”):

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; and
- where the existence of such relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

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;
- 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.

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.

For the purposes of this definition:

- places another person in reasonable fear of death or serious bodily injury to him- or herself, his or her immediate family member, or spouse or intimate partner
- causes, attempts to cause, or could reasonably be expected to cause substantial emotional distress to the target of their conduct, or
- acts with the intent to kill, injure, harass, intimidate, or place the victim under surveillance in order to kill, injure, harass, or intimidate that person.

Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation

Sexual assault involves sexual intercourse or sexual intrusion without consent. Some types of sexual acts which fall under the category of sexual assault include forced sexual intercourse (rape), sodomy (oral or anal sexual acts), incest, and attempted rape. Sexual assault is the most underreported crime in the United States.

Sexual assault in any form is often a devastating crime. Sex without consent is rape. Rape can happen to anyone at any age, at any place, at any time. Offenders can be strangers, acquaintances, friends, or family members. Offenders commit sexual assault through violence, threats, coercion, manipulation, and pressure.

Affirmative Consent: affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Retaliation: Acts or attempts to retaliate or seek retribution. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence, reprisal, and/or an adverse action related to employment or education. Retaliation may be committed by or against an individual or a group, and that a reporting party, responding party or third party may commit or be the subject of retaliation.

Title IX Investigator: Generally, The Title IX Coordinator serves in the role of Title IX Investigator. The Title IX investigator is responsible for conducting an impartial investigation to gathering relevant facts and evidence.

Title IX Advisor: Each party has the right to an advisor of their choice. Advisors are required for live-hearings to facilitate cross-examination. Each party may name their own Advisor, or the school may appoint an Advisor if requested. A party may reject a College appointed Advisor and choose their own Advisor. The Complainant and Respondent may not conduct cross-examination.

Informal Resolution Facilitator: As applicable and as voluntarily agreed to by the parties, the Informal Resolution Facilitator (IRF) will work with the Complainant and Respondent in an attempt to reach an agreement. The IRF will issue a formal statement of agreed upon outcomes.

Decision Maker: The Decision Maker will preside over the Live Hearing. The Decision Maker will make a final determination at the conclusion of the Live Hearing. The Decision-Maker will be separate from the Title IX Coordinator and Investigator.

Preponderance of Evidence: Preponderance of the evidence is one type of evidentiary standard, meaning more likely than not that there was a violation of this Policy.

Complainant: An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim's behalf.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: A document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the College's education Program or Activity with which the Formal Complaint is filed.

Program or Activity: On or off campus locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

Policy Statement:

Platt College expressly prohibits sex discrimination, Sexual Harassment, retaliation, and Sexual Violence including crimes of Dating Violence, Domestic Violence, Stalking and Sexual Assault on any campus owned or controlled property, or at institutionally sponsored events or supervised activities. The Federal Bureau of Investigation's National Incident Reporting System of the Uniform Crime Report defines a sex offense in general as:

Any sexual act directed against another person, forcibly and/or against the person's will: or not forcibly or against the person's will where the victim is incapable of giving consent.

Penalties for violations of this policy or the internal policies of Platt College by employees or students may include termination or expulsion for instances of sexual assault or attempted sexual assault, and lesser penalties, including suspension, probation and assessment of financial penalties for other offenses, as appropriate.

How to Report:

If you believe that you have experienced or witnessed Sexual Harassment (including Sexual Violence), sex discrimination or retaliation, the College encourages you to notify the Title IX Coordinator as soon as possible. All complaints involving a student will be referred to the Title IX Coordinator. All complaints involving an employee will be referred to both the Title IX Coordinator and to Human Resources. Complaints can be filed in person, by mail, by telephone, or by electronic mail.

Platt College Campus Presidents, Academic Deans, Department Directors, and faculty have a duty to report prohibited conduct to the Title IX Coordinator, when they become aware of such conduct.

A report may be made to either or both the police and the Title IX Coordinator. In order to ensure availability of witnesses and fresh memories of the alleged incident, all reports should be made as promptly as possible after the alleged conduct. If there is a question about whether an incident of sex discrimination, Sexual Harassment (including Sexual Violence) or retaliation occurred, a report should be made to the Title IX Coordinator for assistance in determining the nature of the incident.

Title IX Coordinator:

Megan Clifton

6465 Sycamore Canyon Blvd

Riverside, CA 92507

Email: mclifton@plattcollege.edu

Phone: 951-572-4300

The Title IX Coordinator oversees all Title IX complaints and is also responsible for identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above 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.

Confidentiality/Privacy

The Title IX Coordinator will respect a Complainant's wishes as to whether the College investigates an allegation of Sexual Harassment unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the College Community.

During the grievance process, the College will not use, rely on, or seek disclosure of information protected under legally recognized privilege unless the party has waived the privilege (i.e. Attorney/Client, Doctor/Patient, Medical records, etc.)

Any person wishing to report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) may do so confidentially by emailing feedback@plattcollege.edu. Additional information regarding confidentiality is available in the College's Annual Safety and Security Report.

Supportive Measures

The Title Coordinator will provide Supportive Measures, as necessary. Supportive Measures are individualized services offered, as appropriate, to either or both the Complainant and Respondent. Platt College will provide written notification about options for, available assistance in, and how to request changes in academic situations, living, transportation and working situations or protective measures, where appropriate. Such changes will be accommodated, whenever possible, regardless of whether the Complainant filed a Formal Complaint. Once the Title IX Coordinator receives a report, the Title IX

Coordinator will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures, explain the process for filing Formal Complaint and provide a copy of this Policy.

Supportive Measures are individualized, reasonably available and appropriate based on the information gathered by the Title IX Coordinator, making every effort to ensure equal education access, protect safety and deter prohibited conduct. The measures needed may change over time, and the Title IX Coordinator should communicate with the parties to ensure Supportive Measures are necessary and effective based on evolving needs. Supportive Measures are non-punitive, non-disciplinary and not unreasonably burdensome to the other party.

The College will keep Supportive Measures provided confidential to the extent that maintaining such confidentiality will not impair the College's ability to provide the measures.

Disciplinary Action and Possible Sanctions:

Through the grievance process, if the College determines that Sexual Harassment has occurred, appropriate corrective action will be taken, including steps to prevent recurrence. Any employee determined by the College to be responsible for an act of Sexual Harassment will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, additional training, a restriction on contact, suspension, or termination. In addition, individuals who make false accusations in bad faith or knowingly provide false evidence may be subject to equivalent disciplinary action. Disciplinary actions taken will be determined on a case-by-case basis.

Employees are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process.

Sanctions and Remedies

Sanctions will be determined by the Decision Maker and imposed on the Respondent.

Sanction Examples are, but not limited to:

- Warning
- Suspension
- Termination
- No contact order
- Counseling
- Additional training

The Title IX Coordinator in conjunction with the Decision Maker will ensure that the sanctions are reasonable based on the severity of the behavior and are appropriate based on the case specifics. The Title IX Coordinator in conjunction with the Decision Maker will confirm and document sanctions were enforced as intended.

Remedies are provided to a Complainant whenever a Respondent is found responsible. Remedies are implemented by the Title IX Coordinator and may be disciplinary and punitive. Student Remedies are

designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and may include supportive measures.

Grievance Process

The College utilizes a prompt, equitable and impartial Grievance Process to evaluate Formal Complaints. Title IX personnel (Title IX Coordinator, Title IX Investigators, Decision Makers, and individuals who facilitate Informal Resolution process) will be free from conflicts of interest or bias for or against Complainants or Respondents. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent, or witness. During a campus investigation, Informal Resolution, and/or Live Hearing, both Complainant and Respondent are entitled to:

- Have an advisor of their choice present
- Fair, prompt, and impartial grievance process.
- Simultaneously be notified in writing of the outcome of the grievance process
- All decisions made during the grievance process will be based on a "preponderance of evidence" standard. Meaning, more likely than not.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Generally, the grievance process consists of a Formal Complaint, investigation, Live Hearing, determination, disciplinary actions, remedies, and appeal (if applicable). The grievance process, barring extenuating circumstance, will conclude within ninety (90) days from the date a Formal Complaint is filed.

Rights of the Complainant:

If you are submitting a Formal Complaint of a Sexual Harassment, you can expect:

- To be notified in advance of any interview, meeting, or hearing.
- To have an advisor of your choice present.
- To have the ability to provide evidence in support of your claim.
- To be treated fairly, and in accordance with all local laws and regulations, as well as school policies.

Rights of the Respondent:

If you are accused of committing a Sexual Harassment, you can expect:

- To be notified in advance of any interview, meeting, or hearing.
- To have an advisor of your choice present.
- To have the ability to provide evidence in support of your defense.

- To be treated fairly, and in accordance with all local laws and regulations, as well as school policies.

Retaliation Prohibited

Retaliation against an individual for raising an allegation of Sexual Harassment, for cooperating in an investigation, hearing or proceeding of such a complaint, advocating for others' Title IX rights or for opposing discriminatory practices is prohibited. If you believe you have been retaliated against, you should promptly notify the Title IX Coordinator.

False Claims

Allegations are taken with tremendous concern, any person who knowingly makes a false claim of Sexual Harassment or knowingly submits false evidence may be subject to disciplinary action up to and including expulsion from the College.

Investigations

In response to Formal Complaints (filed by the Complainant or signed by the Title IX Coordinator) of Sexual Harassment the College will conduct an impartial investigation to gather facts by conducting interviews and gathering evidence. In general, the Title IX Coordinator will serve as the Title IX Investigator. The Title IX Investigator will communicate with both the Complainant and Respondent. Both parties will receive an equal opportunity to present fact and expert witnesses or other evidence. Both the Complainant and the Respondent will be afforded equitable rights and access during the investigative process. A Complainant is not required to participate in the grievance process for Formal Complaints signed by the Title IX Coordinator. However, the ability to investigate, respond and provide remedies may be limited or impossible without participation of the parties.

Formal Complaints involving employees will also be referred to Human Resources and simultaneously evaluated under employee conduct policies and procedures.

Upon receipt of a Formal Complaint, written notice will be sent to the parties. The Notice of Investigation will include: details of the allegations (including identities of the parties involved, specific section of the policy alleged to have been violated, the conduct that would be considered Sexual Harassment, the date of the incident(s) and the location of the incident(s)); a statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to the College's grievance process; a statement that the parties may have an Advisor of their choice; and a reminder of the expectation of truthfulness including consequences for submitting false information. The parties will also be provided with separate written notice of any investigative interview, meeting, or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting.

Generally, this investigation will consist of interviewing the Complainant, the Respondent, and any witnesses. The Parties (and their Advisors) will be provided with evidence directly related to the

allegations, in electronic format or hardcopy, with at least 10 days for the Parties to inspect, review, and respond to the evidence. The Title IX Investigator will consider the responses received from the parties before issuing the investigative report.

Once the investigation has concluded, the Title IX Investigator will draft an investigative report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigative report will be sent to the parties (and their Advisors) at least 10 days prior to a Live Hearing. The parties may provide a written response to the investigative report.

Informal Resolution

As determined by the College, if both parties provide voluntary, written consent to attempt informal resolution, the Title IX Coordinator will identify an Informal Resolution Facilitator.

Informal Resolution Process:

- Both parties will be notified of their right to an Advisor
- Both parties will be notified of the assigned Informal Resolution Facilitator, and given 72 hours to either accept the facilitator or refuse based on potential bias and/or conflicts of interest
- Informal Resolution participation expectation and rules of process will be provided to both parties
- The College will determine if technology will be used to facilitate the process
- The goal of Informal Resolution is to reach an agreement between the parties

It is important to note that Informal Resolution may only occur after a Formal Complaint is received. At any time before resolution, a party can withdraw from the informal resolution process and resume the grievance process. It is not necessary to pursue Informal Resolution first in order to pursue the College's grievance process.

Informal Resolution cannot be used to resolve allegations that an employee sexually harassed a student. The Title IX Coordinator determines if informal resolution should be utilized.

If both parties do not agree to Informal Resolution, the Formal Complaint will be proceed to a Live Hearing.

Dismissal of a Formal Complaint

Dismissal of a Formal Complaint may occur under several circumstances. The College must dismiss a Formal Complaint if the allegations do not meet the definition of Sexual Harassment, did not occur in the College's education Program or Activity, or did not occur against a person in the United States.

The College may dismiss a Formal Complaint if the Complainant informs the Title IX Coordinator, in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by the College; or if specific circumstances prevent the College from gathering sufficient evidence to reach a determination.

If a Formal Complaint is dismissed, the Parties will be provided written notice of the dismissal outlining the reason(s) for dismissal. A dismissal does not preclude action by the College under the published Student Code of Conduct, located in the College Catalog and Annual Security Report.

Live Hearing

The Title IX Coordinator will identify and assign a Decision Maker to facilitate the live hearing and make a determination. The Decision Maker will be separate from the Title IX Coordinator and/or Title IX Investigator.

- Both parties will be notified of the requirement to either select an Advisor or request the College to provide an Advisor at no charge
- Both parties and their Advisors will be notified of the assigned Decision Maker, and given 72 hours to either accept the Decision Maker or refuse based on potential bias and/or conflicts of interest
- Live Hearing participation expectation and rules of process will be provided to both parties and their Advisors
- The College will determine if technology will be used to facilitate the process

During the Live Hearing, the Decision Maker will ensure the following:

- Opportunity will be provided for parties' advisors to examine and cross-examine witnesses, including challenging the credibility of witnesses (cross-examination cannot be conducted by a party personally)
- Cross-examination will be conducted directly, orally and in real time by the party's advisor
- The College does not take action and impose sanctions until the grievance process has been applied
- 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 will first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
- Questions and evidence about a Complainant's prior sexual behavior is irrelevant unless offered to prove that someone other than the Respondent committed the alleged Sexual Harassment or offered to prove consent.
- If a party or witness does not submit to cross-examination at the Live Hearing, the Decision Maker will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Decision Maker will not 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.
- Ensure that all parties adhere to all rules/procedures for the Live Hearing. (i.e. Act professionally, follow break times, no disruptions to the hearing, prohibit witness badgering, etc.)

At the request of either party, the College will provide for the entire Live Hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. Live Hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the Live Hearing virtually. An audio or audiovisual recording, or transcript, of any Live Hearing will be created and maintained for seven (7) years.

At the conclusion of the Live Hearing the Decision Maker will:

- Review the school policy
- Review the evidence provided
- Assess credibility of evidence and witness statements
- Assess consistency of the testimony
- Evaluate evidence in light of standard of evidence (Preponderance of Evidence)
- Provide Written Determination regarding responsibility with findings of fact and conclusions about whether the alleged conduct occurred as follows:
 - o Identify the allegations constituting Sexual Harassment
 - o Describe procedure used from Formal Complaint through live hearing
 - o Provide a rationale for the outcomes on each allegation and imposition of any sanctions
 - o Whether remedies will be provided to Complainant
 - o State the procedures and allowable bases for any appeal
 - o Provide simultaneously notification to both parties

Appeals

Both Parties have the right to appeal a determination regarding responsibility, The College's dismissal of a Formal Complaint or any allegations therein if: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; and/or (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

An appeal must be submitted in writing to the Title IX Coordinator within ten (10) days of the delivery of the Written Determination.

Training

The College ensures that its Title IX personnel have adequate training. The Title IX Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of the College's education Program or Activity, how to conduct an investigation, the College's Grievance Process (including Live Hearings, appeals, and Informal Resolution processes, as applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision Makers are trained on the definition of Sexual Harassment, the Live Hearing process, technology to be used in Live Hearings, and issues of relevance (including how to apply the rape shield protections provided for Complainants). Informal Resolution facilitators are trained on the Informal Resolution process.

Materials used to train Title IX personnel are posted on the College's website <https://plattcollege.edu/consumer-handbook/>

Recordkeeping and Privacy

The College's records of investigations, live hearings and resolutions are maintained for seven years. Information is shared internally between administrators who need to know in order to complete their job duties. When information must be shared to permit the investigation to move forward, the Parties will be informed. Privacy of the records specific to the investigation is maintained in accordance with state law and the federal FERPA statute. Any public release of information needed to comply with the timely warning provisions of the Clery Act will not include the names of Complainant or information that could easily lead to a Complainant's identification. Irrespective of state law or public records access

provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.

Additional Information

Questions related to this Policy should be directed to the Title IX Coordinator. In addition, the U.S. Department of Education Office for Civil Rights (“OCR”) investigates complaints of unlawful harassment in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: <http://www.hhs.gov/ocr/>. To the extent that an employee or contract worker is not satisfied with the College’s handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.