



Platt College Title IX Policy and Grievance Procedures (§ 106.45)

Platt College intends to provide a work and school environment free of unlawful harassment, sexual violence, discrimination, and retaliation. Platt 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, Platt College prohibits discrimination based on sex in its education program or activities, which extends to admission and employment. Platt 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 Platt 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 Platt 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 Platt College does business engages in sexual misconduct, Platt College will take appropriate corrective action.

This policy is published on Platt College website and provided during new employee and student orientations. Platt 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/AntiHarassment policy located in the Student Catalog.

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, Platt 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 Platt College investigates an allegation of Sexual Harassment unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to Platt College Community.

During the grievance process, Platt 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 Platt College's Annual Safety and Security Report.

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Platt College investigate and make a determination about alleged discrimination under Title IX:

A "complainant," which includes:

- A student or employee of Platt College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- A person other than a student or employee of Platt College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Platt College education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or Platt College's Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of Platt College; or
- Any person other than a student or employee who was participating or attempting to participate in Platt College education program or activity at the time of the alleged sex discrimination.

Platt College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another

party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Requirements of Title IX Grievance Procedures:

- Platt College will treat complainants and respondents equitably
- Platt College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.
- Platt College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.
- Platt College has established the following timeframes for the major stages of the grievance procedures:

Total Duration: Approximately 3-3.5 weeks (1 month maximum)

- Initial stages (reporting, notice): 3 days
- Investigation: 7 days
- Review and response to evidence: 3 days
- Hearing and determination: 3 days
- Appeal process: 5 days

Developing a reasonably prompt timeframe for major stages of the grievance procedures under Title IX requires balancing the need for a timely response with the need for a thorough and fair investigation. Below is an example of a structured timeframe that aligns with § 106.45, ensuring all parties involved have a clear understanding of the process and expected timelines.

Title IX Grievance Procedure Timeline

- 1. Initial Report and Intake (1-3 days)**
 - Complainant files a report of sex discrimination.
 - Title IX Coordinator acknowledges receipt and reaches out to the complainant to discuss the complaint and supportive measures.
 - Title IX Coordinator conducts an initial assessment to determine if the complaint falls under Title IX jurisdiction.
- 2. Formal Complaint Filing (1-2 days)**
 - If the complaint is within Title IX jurisdiction, the complainant is given the option to file a formal complaint.
- 3. Notice of Allegations (1-2 days)**
 - Upon receiving the formal complaint, the Title IX Coordinator issues a Notice of Allegations to the respondent and the complainant, outlining the allegations and the grievance process.
- 4. Investigation (7 days)**

- An impartial investigator is assigned and conducts a thorough investigation. This includes interviewing parties and witnesses, collecting evidence, and compiling an investigative report.
- 5. **Completion of Investigative Report (1-2 days)**
 - Investigator finalizes the investigative report, considering the parties' responses, and submits it to the Title IX Coordinator.
- 6. **Determination of Responsibility (1-2 days)**
 - Decision-maker issues a written determination regarding responsibility, including findings of fact, conclusions, and any disciplinary actions.
- 7. **Appeal Process (5 days)**
 - Either party can appeal the decision. The appeal process includes submitting grounds for appeal, review by an appellate decision-maker, and issuing a final decision.

Summary of Grievance Time Frame

Total Duration: Approximately 3-3.5 weeks (1 month maximum)

- Initial stages (reporting, notice): 3 days
- Investigation: 7 days
- Review and response to evidence: 3 days
- Hearing and determination: 3 days
- Appeal process: 5 days

This structured timeline ensures a reasonably prompt resolution of complaints while providing sufficient time for thorough investigation, fair consideration of evidence, and due process for all parties involved. Adjustments can be made to accommodate specific circumstances, ensuring flexibility within the procedural framework.

- Platt College has also established the following process that allows for the reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:
 - Students who wish for an extension must submit a written statement as to why an extension is needed as well as any documentation to support their reason.
 - The written statement shall be submitted to Megan Clifton - Vice President of Academic and Regulatory Affairs via email at mclifton@plattcollege.edu
 - Not all extensions may be granted

Title IX Grievance Procedure: Process for Time Frame Extensions

1. **Initial Time Frame Establishment**
 - Upon initiating the grievance procedure, establish and communicate a clear timeline for each major stage of the process (as outlined previously).
2. **Criteria for Good Cause Extensions**

- Define what constitutes "good cause" for extending time frames. Good cause may include, but is not limited to:
 - The complexity of the case
 - Availability of parties, witnesses, and evidence
 - Concurrent law enforcement activity
 - Health issues of parties or key participants
 - Unforeseen circumstances such as natural disasters
- 3. **Requesting an Extension**
 - Either party (complainant or respondent), the investigator, or the decision-maker may request an extension of the time frames.
 - Requests must be made in writing to the Title IX Coordinator, including a detailed explanation of the reasons for the requested extension.
- 4. **Evaluating Extension Requests**
 - The Title IX Coordinator will evaluate the request, considering the reasons provided and whether the extension is necessary to ensure a fair process.
 - The Title IX Coordinator may consult with relevant parties or personnel to assess the need for the extension.
- 5. **Decision on Extension**
 - The Title IX Coordinator will make a decision on the extension request within 2 business days of receiving the request.
 - The decision will be based on the criteria for good cause and the specific circumstances of the case.
- 6. **Notification of Extension**
 - If an extension is granted, the Title IX Coordinator will provide written notice to all parties involved, including:
 - The new timeline for the relevant stage(s) of the grievance procedure.
 - The specific reasons for the extension.
 - If the request is denied, the Title IX Coordinator will provide written notice to the requesting party with the reasons for the denial.
- 7. **Documentation of Extensions**
 - All requests for extensions, decisions, and notifications will be documented and included in the case file.
 - This documentation ensures transparency and allows for review if any party raises concerns about the timeliness of the process.
- 8. **Monitoring Extended Time Frames**
 - The Title IX Coordinator will monitor the progress of the case to ensure adherence to the new time frames.
 - Regular updates may be provided to the parties to keep them informed of the status of the case.

By following this structured process, the Title IX Coordinator can ensure that extensions are granted fairly and transparently, maintaining the integrity and timeliness of the grievance procedure while accommodating legitimate delays.

Privacy during Investigations

- Platt College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.
- Platt College will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Platt College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Platt College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of Platt College's Title IX grievance procedures, Platt College will notify the parties of the following:

- Platt College's Title IX grievance procedures and any informal resolution process;⁸ Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. [If Platt College provides

a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]

If, in the course of an investigation, Platt College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, Platt College will notify the parties of the additional allegations.

Dismissal of a Complaint:

Platt College may dismiss a complaint of sex discrimination if:

- Platt College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Platt College's education program or activity and is not employed by Platt College;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and Platt College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven;
- Platt College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Platt College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Platt College will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Platt College will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Platt College will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then Platt College will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, Platt College will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decision maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;

- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, Platt College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Platt College's education program or activity.

Investigation:

- Platt College will provide for adequate, reliable, and impartial investigation of complaints.
- The burden is on Platt College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
- Platt College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.
- Platt College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Platt College will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Platt College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. [If Platt College provides a description of the evidence: Platt College will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.];
- Platt College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- Platt College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

- Platt College will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

Title IX Grievance Procedure: Process for Assessing Credibility

- **Preparation for Live Hearing**
 - Prior to the live hearing, the decision-maker reviews all relevant evidence, the investigative report, and the written responses submitted by the parties.
 - The decision-maker prepares a list of key issues and potential questions that focus on areas where credibility is in dispute and relevant.
- **Conducting the Live Hearing**
 - The live hearing is conducted by the decision-maker, who is not the Title IX Coordinator or the investigator.
 - Both parties (complainant and respondent) and their advisors are present, along with any relevant witnesses.
- **Questioning by Advisors**
 - Each party's advisor is allowed to ask relevant questions and follow-up questions, including those challenging credibility, directly to the other party and witnesses.
 - All questions must be relevant, and the decision-maker has the authority to determine the relevance of each question.
- **Decision-Maker's Questions**
 - After the advisors have completed their questioning, the decision-maker may ask additional questions directly to the parties and witnesses.
 - The decision-maker's questions should aim to clarify statements, probe inconsistencies, and assess the credibility of the responses.
 - Key areas for questioning may include:
 - Specific details of the alleged incidents
 - Inconsistencies in the testimonies of parties or witnesses
 - Motivation and possible biases of the parties or witnesses
 - Corroborative evidence or lack thereof
- **Relevancy Determinations**
 - The decision-maker makes on-the-spot relevancy determinations for all questions posed by advisors.
 - If a question is deemed not relevant, the decision-maker explains the decision on the record.
- **Assessing Credibility**
 - The decision-maker assesses credibility based on various factors, including:
 - Demeanor and behavior of the parties and witnesses during questioning
 - Consistency of the testimonies with other evidence
 - Plausibility and level of detail in the testimonies
 - Any potential biases or motives to fabricate or misrepresent facts
- **Post-Hearing Deliberation**
 - After the hearing, the decision-maker deliberates privately, considering the credibility of all parties and witnesses as a significant factor in the determination of responsibility.
 - The decision-maker documents their credibility assessments, explaining how credibility influenced their findings and conclusions.

- **Written Determination**

- The decision-maker issues a written determination regarding responsibility, which includes:
 - Findings of fact
 - Conclusions regarding the application of the Title IX policy to the facts
 - A statement of, and rationale for, the result as to each allegation
 - Any disciplinary sanctions imposed on the respondent, if applicable
 - Any remedies provided to the complainant, if applicable
 - An explanation of the appeal process

By following this structured process, the decision-maker can effectively assess the credibility of parties and witnesses, ensuring a fair and thorough evaluation of the allegations of sex discrimination. This process upholds the integrity of the grievance procedure and ensures compliance with Title IX requirements.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Platt College will:

- Use the [preponderance of the evidence or, if applicable, clear and convincing] standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people Platt College identifies as having had equal access to Platt College's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Platt College's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and

- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Supportive Measures:

Platt College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to Platt College's education program or activity or provide support during Platt College's Title IX grievance procedures or during the informal resolution process.

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.

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

Disciplinary Sanctions and Remedies:

Through the grievance process, if Platt College determines that Sexual Harassment has occurred, appropriate corrective action will be taken, including steps to prevent recurrence. Any employee determined by Platt 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 from the program. 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.

Platt College has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

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.

Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that Platt College investigate and make a determination about alleged sex-based harassment under Title IX:

A "complainant," which includes:

- a student or employee of Platt College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of Platt College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Platt College's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Platt College's Title IX Coordinator

Platt College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When

more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Grievance Process:

Platt College will treat complainants and respondents equitably.

Platt College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

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.

Platt College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Platt College will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Platt College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Platt College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the

complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

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 Platt College.

Written Notice of Allegations:

Upon initiation of these Title IX grievance procedures, Platt College will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Platt College's Title IX grievance procedures and any informal resolution process; Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a

determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision maker;

- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.

If, in the course of an investigation, Platt College decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

Platt College may dismiss a complaint if:

- Platt College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Platt College's education program or activity and is not employed by Platt College;
- Platt College obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and Platt College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Platt College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Platt College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Platt College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Platt College will notify the parties simultaneously in writing.

Platt College will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then Platt College will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Platt College will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, Platt College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Platt College's education program or activity.

Investigation:

Platt College will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on Platt College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Platt College will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Platt College will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Platt College will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- Platt College may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

Platt College will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

Platt College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Platt College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Platt College will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- Platt College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence.
- Platt College will provide a reasonable opportunity to review and respond to the evidence or the investigative report.
- Platt College will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses:

Platt College will provide a process that enables the decision maker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

[When Platt College chooses not to conduct a live hearing: Platt College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.]

[When Platt College chooses to conduct a live hearing: Platt College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decision maker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. [If Platt College permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, Platt College will provide the party with an advisor of Platt College's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, Platt College will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.]

Procedures for the decision maker to evaluate the questions and limitations on questions:

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decision maker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions:

The decision maker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decision maker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Procedures for a 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 Platt 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
- Platt 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 - Platt 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 Complaint, 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, Platt 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 Platt 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:
 - Identify the allegations constituting Sexual Harassment
 - Describe procedure used from Formal Complaint through live hearing
 - Provide a rationale for the outcomes on each allegation and imposition of any sanctions
 - Whether remedies will be provided to Complainant
 - State the procedures and allowable bases for any appeal
 - Provide simultaneously notification to both parties

Appeal of Determination:

Platt College offers the following process for appeals from a determination whether sex discrimination occurred.

Both Parties have the right to appeal a determination regarding responsibility, Platt College's dismissal of a Formal Complaint or any allegations therein if:

- Procedural irregularity affected the outcome of the matter;
- There is newly discovered evidence that could affect the outcome of the matter; and/or
- 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.

This appeal process will be, at a minimum, the same as Platt College offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

Informal Resolution:

In lieu of resolving a complaint through Platt College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Platt College does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, Platt College will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;

- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information Platt College will maintain and how Platt College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Informal Resolution Process:

Both parties will be notified of:

- 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
- Platt 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

Training

Platt 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 Platt College's education Program or Activity, how to conduct an investigation, Platt 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 Platt College's website <https://plattcollege.edu/consumer-handbook/>

Recordkeeping and Privacy

Platt 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.

Key Definitions

Complainant means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient’s education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient’s prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

(1) *Quid pro quo harassment*. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) *Hostile environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- (ii) The type, frequency, and duration of the conduct;

(iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other sex-based harassment in the recipient's education program or activity; or

3) Specific offenses.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

(1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or

(2) Provide support during the recipient's grievance procedures or during an informal resolution process.