

PITC INSTITUTE

NON-DISCRIMINATION AND TITLE IX POLICY

WHAT IS THE NON-DISCRIMINATION POLICY OF PITC INSTITUTE?

PITC Institute does not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, sexual orientation, disability, age, religion, gender or any other legally protected classification. This policy is in accordance with state and federal laws including the Pennsylvania Human Relations Act and the federal laws including the Civil Rights Act of 1964 as amended including Titles VI, VII, IX, Sections 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the American with Disabilities Act of 1990.

PITC Institute also complies with the Commonwealth of Pennsylvania ACT 55 of 2022, Sections XXX-G and XXX-J (Act 16 of 2019), as amended, of the Public-School Code.

WHAT IS THE SCHOOL'S TITLE IX POLICY?

PITC Institute further complies with Title IX, the federal law that prohibits discrimination based on sex, including sexual harassment and sexual assault, in educational programs and activities that receive federal financial assistance. In 2020, the federal Department of Education released broad regulations that direct schools to implement procedures in response to Title IX-based reports of sexual assault and sexual harassment.

These regulations stipulate that no one should be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity that receives Federal financial assistance.

PITC Institute is required under these regulations to respond promptly to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents any reoccurrence.

All students, employees, vendors, and visitors of PITC Institute are subject to this policy.

WHAT IS THE ROLE OF THE TITLE IX COORDINATOR AND HOW CAN I CONTACT THE TITLE IX COORDINATOR?

The Title IX Coordinator oversees compliance with all aspects of the school's Title IX and Act 55 policies. The coordinator also directs the school's review, investigation, and

resolution of reports to ensure PITC's compliance with Title IX and the effective implementation of this policy.

Additionally, the Title IX Coordinator is responsible for ensuring that there is no discrimination against any student or exclusion from an educational program based on a student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery. PITC Institute does not discriminate against or exclude from employment any employee or applicant for employment on these bases.

PITC Institute's Title IX Coordinator is Mr. Michael Yazujian. He can be reached by telephone at 267-741-4296 or myazujian@pitc.edu

WHAT ARE THE DEFINITIONS OF SEXUAL ASSAULT AND SEXUAL HARASSMENT?

Sexual Assault is a physical sexual act perpetrated against a person's will or where the person is incapable of giving consent due to the use of drugs or alcohol. Consent may not be given due to an intellectual or other disability. Sexual assault includes, but is not limited to, rape, sexual battery, sexual coercion, or any form of sexual violence.

Sexual Harassment is any unsolicited, offensive behavior that uses sexuality to disadvantage another person including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

This is especially true when;

a) submission to sexual harassment is made either explicitly or implicitly a term or condition of employment, academic admission, or academic advancement,

b) submission to or rejection of sexual harassment is used as the basis or threat to be used as the basis for employment actions, academic decisions or academic assessments,

c) this conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive work or learning environment.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others and causes substantial emotional distress as a result.

Stalking also includes, but not limited to:

a) unwanted communications or contact including face-to-face, telephone calls, touching, email, social media, instant messaging, texts, written letters and gifts,

- b) cyber-stalking, which is defined as the use of electronic or digital media to stalk an individual,
- c) any form of direct harassment, either by the individual or through a third party,
- d) pursuing, following or surveillance or any other types of observation,
- e) use of any threatening gestures,
- f) trespassing in any form.

WHAT IS CONSENT?

Consent is willingly and verbally agreeing to specific sexual contact or conduct. Unless willing and verbal consent has been given, an individual cannot be forced or coerced into any type of sexual activity. Consent cannot be given if an individual is impaired by alcohol, prescribed medication, illicit drugs, mental disability, sleep, or involuntary physical restraint.

HOW DO I FILE A COMPLAINT?

Any applicant, student, employee, or member of the PITC community who has experienced or witnessed any form of sex discrimination or sexual/gender misconduct is encouraged to file a complaint promptly with the Title IX Coordinator.

Reports of sex discrimination, sexual/gender misconduct, or Title IX misconduct must be made to the Title IX Coordinator as soon as possible by email, phone, mail or in person.

Privacy

Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private. Information is only shared with those individuals that the school determines are necessary to conduct an appropriate investigation.

Retaliation

PITC Institute forbids any adverse educational or employment action to be taken, either overt or covert, against an individual because of the person's participation in a complaint or investigation of discrimination.

False Allegations

PITC Institute will impose corrective actions or sanctions against anyone who makes a false allegation in bad faith under the terms of the Non-discrimination or Title IX policy.

WHAT ARE THE PROCEDURES FOR INVESTIGATING THE COMPLAINT?

Initial Assessment of Complaint

The Title IX Coordinator will review all complaints under this policy. There may be several resolution options available guided by the availability of information or evidence suggesting that a policy violation may have occurred. This includes the school's obligation to investigate and provide appropriate remedies to eliminate the effects of the improper conduct and the complainant's willingness to participate in an investigation or other resolution.

Dismissal of Complaint

If PITC Institute determines that the allegations fail to meet violation standards or do not fall within the jurisdiction of this policy, the investigation and complaint will be dismissed. The school reserves the right in its sole discretion to dismiss a complaint and stop the investigation if:

- a) the complaint is withdrawn by the complainant in writing to the Title IX Coordinator,
- b) the school is prevented from gathering sufficient evidence to reach a determination about the allegations,
- c) there is a lack of participation in the investigation process by the parties or witnesses,
- d) The complainant or respondent is no longer enrolled or employed by the school.

WHAT ARE THE INFORMAL PROCEDURES IN THE RESOLUTION OF THE COMPLAINT?

Based upon the initial assessment of the complaint, the Title IX Coordinator may suggest an informal resolution. If both parties agree, an informal resolution procedure may be implemented to resolve the complaint. Both parties must give informed written consent to participate in the informal resolution procedure.

If a satisfactory resolution is reached, it will be documented and signed by both parties. Once a satisfactory agreement is reached and signed by the parties, they may not pursue the formal resolution procedure.

If an informal resolution to the complaint is not reached, the formal resolution procedure will commence.

WHAT ARE THE FORMAL RESOLUTION PROCEDURES IF AN INFORMAL RESOLUTION COULD NOT BE REACHED?

Investigation

If an informal resolution to the complaint could not be reached, the Title IX Coordinator will commence a formal resolution procedure starting with the investigation of the allegation.

The Title IX Coordinator will assign a team of investigators or a single investigator to commence the investigation. The role of the investigation team or investigator is to gather the facts by interviewing all witnesses and collecting appropriate evidence and document the team's findings in preparation for a hearing. The burden of gathering evidence and burden of proof lies with PITC Institute, not the parties.

The investigation will take place in a timely manner. The parties to the complaint will receive notice of the allegations at least ten (10) business days before the meeting with the investigation team. The complainant and respondent may be accompanied to any meetings with an advisor of their choice, but it need not be an attorney.

PITC Institute may dismiss allegations that do not meet the definitions provided by Title IX or do not occur in the school's education program. Dismissal under these terms is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate

The school may also dismiss a formal complaint or allegation if the complainant informs the Title IX Coordinator in writing that the complainant seeks to withdraw the formal complaint or allegation. Further, it may be dismissed if the respondent is no longer enrolled or employed by the school, or if circumstances prevent the school from gathering sufficient evidence to reach a determination. Written notice of dismissal of the complaint will be sent to both parties.

As part of the investigation, the school will protect the privacy of the parties' medical, psychological and treatment records by requiring the parties' voluntary, written consent to access and use these records. .

Hearing (also called Live Hearing)

The Title IX Coordinator will provide written notice to the parties of the date, time, and location of the hearing. The parties will be provided with the allegations and purpose of the hearing.

Both parties have the right to have an advisor present during the investigation and hearing. The advisor can be, but is not required to be an attorney. If a party does not have an advisor to attend the hearing, the school will appoint an advisor of its choice without a fee or charge.

A **decision-making panel** will preside over the hearing. The panel will consist of members appointed by the school. The role of the panel is to oversee the resolution of the complaint by interviewing the appropriate parties, including witnesses, determining the relevance of all questions posed under cross-examination, evaluating all the evidence submitted and rendering a decision.

The **hearing** will be conducted in a manner whereby all parties can see and hear testimony. It may be conducted either in-person or virtually. The hearing will be recorded or transcribed with a copy provided to both parties.

The **hearing format** will observe the following process in sequential order:

- a) The investigation team or investigator will make an opening statement summarizing the allegations and appropriate evidence,
- b) The decision-making panel may ask any questions of the investigation team or investigator,
- c) The investigation team or investigator will call upon the parties and witnesses to testify,
- d) The advisors for the parties may cross examine the testifying party or witness with the complainant's advisor going first,
- e) Upon the completion of the investigation team or investigator's witnesses, the complainant may call other witnesses or present other evidence. Each witness is subject to cross examination by the complainant's advisor first and then the respondent's advisor.
- f) The respondent has an opportunity to call witnesses or present other evidence. Each witness is subject to cross examination by the complainant's advisor first and then the respondent's advisor.
- g) Final statements may be made by the complainant and his/her advisor and then the respondent or his/her advisor.

The decision-making panel will be unable to draw any inference about the determination regarding responsibility if a party or witness is absent from the hearing or refuses to answer cross-examination or other questions.

The **decision-making panel** that does not include the Title IX Coordinator or investigation team will issue a written determination to both parties and their advisors

within ten (10) business days regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, and any disciplinary sanctions imposed on the respondent. Additionally, the panel will stipulate any remedies that will be provided to the complainant.

The written determination will include:

- a) the allegations potentially constituting Title IX sexual harassment or sexual/gender misconduct,
- b) a description of the procedural steps taken from the receipt of the formal complaint through the hearing,
- c) findings of fact supporting the determination,
- d) conclusions regarding the application of the school's policies or codes of conduct,
- e) a statement of rationale for the determination of each allegation,
- f) any disciplinary sanctions imposed on the respondent,
- g) the procedures and allowable bases for appeal.

WHAT IS THE APPEAL PROCESS?

Either party may appeal the findings or remedies made by the decision-making panel, provided that they file a written appeal with the Title IX Coordinator within ten (10) business days of receiving the decision-making panel's written decision. Appeals may be filed for the following reasons:

- a) a procedural irregularity that affected the outcome,
- b) new evidence that was not reasonably available at the time of the determination or dismissal and is of significance that it could affect the decision,
- c) a conflict of interest or bias for or against the complainants or respondents or the individual complainant or respondent that affected the decision,
- d) the penalty is inadequate or excessive.

Upon receipt of the written appeal, the Title IX Coordinator will appoint an **appeal decision maker** to examine the appeal and all evidence in order to determine if the appeal has merit. The appeal decision maker will make an unbiased and objective conclusion as to the appeal's merit. The written decision will describe the result and the rationale for the appeal decision and provide both parties with the written decision.

DOES PITC INSTITUTE KEEP RECORDS OF FORMAL COMPLAINTS?

PITC Institute retains all records relating to formal complaints of sexual harassment, as well as all training materials used under this policy for a period of seven (7) years.

WHAT SUPPORTIVE MEASURES ARE AVAILABLE TO BOTH THE COMPLAINANT AND RESPONDENT?

Supportive measures will be made available to both the complainant and the respondent to ensure access to the school's education programs and employment opportunities.

The Title IX Coordinator will review the requests from the parties to determine supportive measures that are appropriate and reasonably available at no cost.

Supportive measures may include, but not limited to:

- a) directives that establish no contact between the parties,
- b) academic support including extensions of time and other course related adjustments,
- c) modification of work or class schedules,
- d) change in supervisory reporting relationship,
- e) change in work assignments,
- f) consideration of leave of absence requests,
- g) sexual harassment training.

WHAT OTHER OPTIONS ARE AVAILABLE FOR STUDENTS AND EMPLOYEES IN ORDER TO RECEIVE FREE AND CONFIDENTIAL SERVICES TO ADDRESS SEXUAL HARASSMENT, SEXUAL VIOLENCE, DOMESTIC VIOLENCE, AND STALKING?

Yes, PITC Institute has a formal relationship with a crisis center to provide free and confidential services to students and employees. The Victim Services Center of Montgomery County has been retained to provide these services. The following is the contact information for the Center:

Victim Services Center of Montgomery County

Telephone Hotline: 888-521-0983

Office: 610-277-0932

Fax: 610-277-6386

Email: vscmontcopa@vscmontcopa.org

325 Swede Street, 2nd Floor

Norristown, Pa. 19401

IF I AM A VICTIM OF SEXUAL ASSAULT, DOMESTIC ASSAULT, OR STALKING, WHAT RESOURCES CAN THE VICTIM SERVICES CENTER PROVIDE ME?

The Victim Services Center (VSC) provides 24-hour crisis services. A student or an employee who is a victim of sexual, dating, and domestic violence and stalking should telephone the crisis hotline at 888-521-0983. The Center's professionals will provide confidential crisis intervention, counseling, information, referrals.

WILL THERE BE AN EDUCATIONAL PROGRAM FOR STUDENTS ON TITLE IX AND ACT 55?

Yes, the Title IX Coordinator will continue to provide an on-going education program for students and employees of the institution. Additionally, training required by Act 55 will be scheduled for all students.

HOW CAN I BE ASSURED OF CONFIDENTIALITY?

PITC Institute assures students and employees that all matters related to Title IX and Act 55 compliance will be held in strict confidence. Victims of sexual assault are promised confidentiality to the full extent allowable by law.

WHO SHOULD I CONTACT IF I HAVE ANY QUESTIONS ABOUT THIS POLICY?

Please contact the Title IX Coordinator if you have any questions about this policy.