

TITLE IX - SEXUAL HARASSMENT POLICY FOR STUDENTS AND EMPLOYEES

Prospect Education/Charter College (the “College”) is committed to providing a work and educational environment free of unlawful harassment, discrimination and retaliation. In accordance with Title IX of the Education Amendments of 1972, the College does not discriminate on the basis of sex in its education programs 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 its education programs or activities. The College will comply with both federal and state specific requirements but will follow federal requirements where they conflict.*

If you believe that you have experienced or witnessed other incidents of sexual misconduct or discrimination, please follow the procedures outlined in the College’s Student Anti-Discrimination and Sexual Harassment Policy or the Employee Anti-Discrimination and Sexual Harassment Policy.

The College reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If government laws, regulations or court decisions change requirements in a way that affects this policy, the policy will be construed to comply with the most recent government regulations or holdings.

Title IX Coordinator

The Title IX Coordinator coordinates the College’s efforts to comply with its Title IX responsibilities. A Title IX Coordinator is available for each College campus—contact information is available below by campus.

Name	Campus/Location	Contact Information
Joshua Bicchinella Regional Campus Manager	Anchorage, Billings, Missoula, and Wasilla	Joshua.bicchinella@chartercollege.edu (907) 352-1021
Ivan Grgas Campus Manager	Canyon Country	ivan.grgas@chartercollege.edu (661) 252-1864
Marissa Wheatcroft Campus Manager	East Wenatchee	marrissa.wheatcroft@chartercollege.edu (509) 415-3576
Tammy Wilhelm Campus Manager	Farmington	tammy.wilhelm@chartercollege.edu (505) 793-8087
Jasmin Camara Regional Campus Manager	Fife and Lacey	jasmin.camara@chartercollege.edu (253) 252-4208
Nicolle McMillion Campus Manager	Lancaster	nicolle.mcmillion@chartercollege.edu (661) 341-3500
Julie Villalobos Campus Manager	Oxnard	Julie.villalobos@chartercollege.edu (805) 973-1240
Angela McCary Campus Manager	Pasco	angela.mccary@chartercollege.edu (509) 546-3900
Mahala Bemis Campus Manager	Vancouver	mahala.bemis@chartercollege.edu (360) 448-2000
Dave Anderson Campus Manager	Yakima	dave.anderson@chartercollege.edu (509) 412-1694
Susan Hamilton Vice President of Human Resources	Reno, Nevada Sandy, Utah	shamilton@prospecteducation.com (775) 737-7407

The Title IX Coordinator is responsible for implementing the College’s Title IX policy, intaking reports and Formal Complaints of Sexual Harassment, providing supportive measures and accurately reporting Clery Act crime statistics.

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.

Key Definitions

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

1. An employee of the College conditioning educational benefits or participation on an individual’s participation in unwelcome sexual conduct (i.e. quid pro quo);

2. 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
3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA) (collectively referred to as "Sexual Violence")¹:
 - **Sexual Assault:** As defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation².
 - **Dating Violence:** As defined in 34 U.S.C. 12291(a)(10), means 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: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship.
 - **Domestic Violence:** As defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes 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 receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - **Stalking:** As defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.
 - **Sexual Violence:** As defined in CA Education Code 66262.5, means physical sexual acts perpetrated against a person without the person's affirmative consent. Physical sexual acts include both of the following: (A) Rape, defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim. (B) Sexual battery, means the intentional touching of another person's intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person's own intimate part to intentionally touch another person's body without consent.
 - **Sexual Exploitation:** As defined in CA Education Code 66262.5, means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts: (A) The prostituting of another person. (B) The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion. (C) The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent. (D) The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. (E) The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

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.

Parties: include the Complainant(s) and Respondent(s) collectively.

Advisor: An individual chosen by a party to accompany the party to meetings related to the resolution process, to advise the party on that process and to conduct cross-examination for the party at any hearing, if any. If a party does not have an Advisor at the hearing portion of the Grievance Process, the College will appoint an Advisor. Under CA SB 493 California processes prohibits direct cross-examination by a party's Advisor. *

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)

¹ Please note: In accordance with the Violence Against Women Reauthorization Act of 2013 ("VAWA"), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent may vary from the definitions above. VAWA crimes are reported in the ASR based on the definitions above.

² The FBI's Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of "without the consent of the victim."

* California CA SB 493, effective 01-01-2022, was added to this policy and is noted throughout the policy.

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.

Mandatory Reporter: Designated College employees who must share knowledge, notice and/or reports of Sexual Harassment, discrimination and/or retaliation with the Title IX Coordinator.

Discretionary Reporter: All College employees who may, with the Complainant's consent, report instances to the Title IX Coordinator. See Reporting Requirements-Confidentiality Request for additional information on Complainants Confidentiality. *

Clery Act: Meaning the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46). In accordance with the Clery Act, the College publishes required crime statistics and policy statements in its Annual Safety and Security Report (ASR) on or before October 1st of each year. The College's most recent ASR is located <https://www.chartercollege.edu/campus-crime-security>.

Clery Geography: As defined in the Clery Act, includes (A) buildings and property that are part of a the College 's campus; (B) the College 's non-campus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus.

Consent: is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately. State-specific definitions for the states that the College maintains campuses are located in the College's ASR.

VAWA: Meaning the Violence Against Women Act (34 CFR Part 668).

Duty to Respond: The College must respond to sexual harassment, including off campus incidents if there is "any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education."

The College must respond to incidents actually, or that reasonably should be, known to the College. With exceptions, the College is presumed to have known of an incident if a responsible employee knew or, in the exercise of reasonable care, should have known about the incident. *

Procedure for Reporting

If you believe that you have experienced or witnessed Sexual Harassment (including Sexual Violence), discrimination or retaliation, the College encourages you to notify the Title IX Coordinator as soon as possible after the incident.

A report may be made to either or both the police and the Title IX Coordinator. The criminal process is separate from the College's process. It is the College's policy not to notify local law enforcement when Sexual Violence occurs, unless a Complainant wishes or there is an emergency threat to health or safety. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, the College will assist a victim of Sexual Violence in contacting the police. A Complainant is not required to contact the police in order to pursue the College's grievance process.

Regardless of whether or not a complaint has been filed under the College's grievance procedures, if the College knows, or reasonably should know, about possible sexual harassment involving individuals subject to the College's policies at the time, the College will promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the College determines that an investigation is not required. If the College determines that the alleged conduct more than likely than not occurred, it will immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects. *

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The College does not issue orders of protection. Orders of protection, restraining orders, injunctions or similar lawful orders may be obtained through the court system and can be enforced by the College. Individuals who have obtained an order of protection are encouraged to provide a copy to the Title IX Coordinator as soon as possible. Although the College does not issue orders of protection, information on how to obtain a protective order is located in the ASR.

Reporting Requirements

In order to make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting College resources. The College does not have confidential reporting resources on campus, such as pastoral or professional counselors. Outside confidential resources you can contact for assistance are located in the Community Resource section of the ASR located at <https://www.chartercollege.edu/campus-crime-security>.

The College will keep confidential the identity of the Complainant, Respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Title IX Grievance Process.

Confidentiality Request *

In evaluating the confidentiality request, the College may consider various factors:

- whether there are multiple or prior reports against the respondent;
- whether a weapon, physical restraints or battery was involved;
- whether the respondent was a faculty or staff member with student oversight;
- the power imbalance, if any, between the parties;
- the safety of complainant; and
- whether a thorough investigation can be completed while maintaining the request for confidentiality.

If the complainant's identity will be disclosed, the complainant must be informed prior to making the disclosure or initiating the investigation. When a complainant's identity is disclosed against their request, the College shall take immediate steps to provide for the safety of complainant when appropriate. *

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. The College does not have confidential reporting resources, such as pastoral or professional counselors on campus. Crisis, mental health and victim resource hotline information is available in the Community Resource section of the ASR located at <https://www.chartercollege.edu/campus-crime-security>. Information shared with confidential resources will not be shared with the College (including the Title IX Coordinator) or anyone else without express, written permission of the individual seeking services unless required by law or court order.

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Supportive Measures

The Title IX Coordinator will provide Supportive Measures as necessary. Supportive Measures are individualized services reasonably available to ensure equal educational access, protect safety or deter prohibited conduct. Supportive Measures are available, as appropriate, to either or both the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Examples include counseling, extensions of time or other course-related adjustments, modifications to work or class schedules, campus escort services, restrictions on contact between the Parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar accommodation.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Victims of Sexual Violence will also be provided with written notification about existing counseling, health and/or mental health services, victim advocacy, legal assistance, visa and immigration assistance, safety planning, timely warnings, student financial aid and other services available to victims within the College and in the community.

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 (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this policy. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

The College will keep confidential the identity of the victim of Sexual Violence and any accommodations or Supportive Measures provided, to the extent that maintaining such confidentiality will not impair the College's ability to provide the accommodations or Supportive Measures. See Reporting Requirements regarding confidentiality. *

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 Student Anti-Discrimination and Sexual Harassment Policy or Employee Anti-Discrimination and Sexual Harassment Policy.

Grievance Process

The College utilizes a prompt, equitable and impartial Grievance Process to evaluate Formal Complaints. Title IX personnel (Title IX Coordinator, Investigators, Decision-Makers, 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.

Both Parties will receive equal opportunity to provide information, witness statements, evidence, and other information that may be necessary to fully evaluate the alleged offense. Both Parties will be afforded equitable rights and access during the Grievance Process. Both Parties will be given an opportunity to identify witnesses and other evidence to assist the College in determining whether a policy violation has occurred and will be informed that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing.* 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.

Advisor

A party may be accompanied by an Advisor of their choice during the Grievance Process. The Parties may choose Advisors from inside or outside the College community. If the Complainant or Respondent does not have an Advisor present at the Live Hearing, the College will select and provide an Advisor, without fee or charge, to conduct cross-examination of witnesses on behalf of that party. A party may reject a college's appointed Advisor and choose their own Advisor, but they may not proceed without an Advisor. The Complainant and Respondent may not conduct cross-examination.

Choosing an Advisor who is a witness in the Grievance Process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Grievance Process. Advisors are expected to advise without disrupting proceedings. For example, advisors should not address College officials in a meeting or interview unless invited to. An Advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except during a Live Hearing, during cross-examination. If an Advisor is disruptive or otherwise fails to respect the limits of the Advisor role, the meeting or interview may be ended. CA SB 493 prohibits direct cross-examination by a party Advisor in the state of California.*

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Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

Investigation of Formal Complaints

The College will investigate Sexual Harassment allegations in a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator. The Title IX Coordinator will respect the 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. The College may consolidate Formal Complaints where the allegations arise out of the same facts.

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.

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

During the investigation, the Title IX Coordinator or his/her designee ("Investigator") will conduct interviews and gather evidence. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings. The Parties will be provided an equal opportunity to present fact and expert witnesses or other evidence. 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 Investigator will consider the responses received from the Parties before issuing the investigative report.

Once the investigation has concluded, the 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

If the Complainant and Respondent voluntarily consent in writing, Formal Complaints can be resolved through Informal Resolution, such as mediation. The Title IX Coordinator will facilitate an appropriate Informal Resolution process depending on the nature of the allegations, the Parties involved, and the overall circumstances. Informal Resolution will be conducted by a facilitator, who may or may not be the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue the College's Grievance Process. At any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the Grievance Process. Informal Resolution is unavailable to resolve allegations that an employee sexually harassed a student.

Live Hearing

If a Formal Complaint is not or cannot be resolved through Informal Resolution, the College will conduct a Live Hearing. Live Hearings are facilitated by the designated Decision-Maker, separate from the Title IX Coordinator or Investigator. The Decision Maker will be selected by the Title IX Coordinator.

Live Hearings will be conducted directly, orally, and in real time by the party's Advisor and not by a party personally. The Decision-Maker will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions,

including those challenging credibility. 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 must 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. CA SB 493 prohibits direct cross-examination by a party Advisor in the state of California. *

Rape shield protections are applied to Complainants, deeming irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged Sexual Harassment or offered to prove consent.

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. CA SB 493 prohibits direct cross-examination by a party Advisor in the state of California.*

During the Grievance Process, the College will not use, rely on or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The College will not access or use a party's medical, psychological, and similar treatment records unless the party provides voluntary, written consent.

Standard of Evidence

For all Formal Complaints of Sexual Harassment (including where employees are Respondents), the College utilizes the preponderance of the evidence standard, meaning the College will evaluate whether it is "more likely than not" that the alleged conduct occurred.

Disciplinary Actions and Remedies

Disciplinary Actions against the Respondent will not be imposed before completion of the College's Grievance Process. Following a determination of responsibility, appropriate corrective action will be taken, and the College will take steps to prevent recurrence. Disciplinary Actions taken will be determined on a case-by-case basis. Factors considered when determining Disciplinary Action may include but are not limited to:

- Nature, severity of, and circumstances surrounding the violation(s)
- Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- Need for disciplinary action to bring an end/prevent future reoccurrence of the violation
- Need for disciplinary action to remedy the effects on the Complainant and the College community
- Impact on the parties
- Any other information deemed relevant by the Decision-Maker.

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. 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. Disciplinary Action for student-related claims may include, but are not limited to, additional training, a restriction on contact, warning, suspension, or termination. Disciplinary action will be placed in a student's permanent academic file and an employee's permanent personnel file. These documents are securely maintained.

Failure to abide by imposed Disciplinary Actions (whether by refusal, neglect or any other reason), may result in additional Disciplinary Action, including suspension or termination.

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.

Individuals who make a materially false statement in bad faith in the course of a Title IX Grievance Process will be subject to the College's Student Conduct Policy or the Employee Discipline and Standards of Conduct.

Written Determination

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The Decision-Maker will issue a Written Determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, a description of the procedure from Formal Complaint through the Live Hearing, Disciplinary Actions imposed on the Respondent and whether Remedies will be provided to the Complainant. The determination will be sent simultaneously to the Parties along with information on how to file an appeal. SB 493 does not require an appeal process.*

Appeal

Both Parties have the right to appeal a determination regarding responsibility, the 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 30 days of the delivery of the Written Determination. Both parties will be informed in writing and simultaneously of any change to the results that occur prior to the time that such results become final and when such results become final.

Retaliation Prohibited

Both Title IX and the Clery Act provide protections for individuals who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. Retaliation (including intimidation, threats, coercion or discrimination) against an individual for raising an allegation of Sexual Harassment, for cooperating in the Grievance Process is prohibited.

If you believe you have been retaliated against, you should notify the Title IX Coordinator.

Notices and Training

A notice of nondiscrimination is disseminated to all

1. employees,
2. volunteers who regularly interact with students, and*
3. individuals or entities under a contract involving regular interaction with students.

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 at <https://www.chartercollege.edu/student-consumer-information> listed under Title IX.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act ("Clery Act") and the Violence Against Women Reauthorization Act of 2013 ("VAWA"), the College will provide primary prevention and awareness programs to prevent Sexual Assault, Dating Violence, Domestic Violence and Stalking to incoming students (during new student orientation) and new employees (upon hire) and generally every year thereafter.

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Bias/Conflict of Interest

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Vice President of Human Resources, shamilton@prospecteducation.com or another Title IX Coordinator. Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator.

Clery Act Reporting

College administrators will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASR.

Emergency Removal

The College can remove a Respondent entirely or partially from the Education Program or Activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical or safety of any student or other individual justifies removal. The risk analysis is performed by the Title IX Coordinator in conjunction with Chief Academic Officer or Vice President of Human Resources.

In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

Disability Accommodations

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Grievance Process. Anyone needing an accommodation should contact the ADA Coordinator listed below for their campus to request an accommodation.

Name	Campus/Location	Contact Information
Joshua Biccharella Regional Campus Manager	Anchorage, Billings, Missoula, and Wasilla	Joshua.biccharella@chartercollege.edu (907) 352-1021
Ivan Grgas Campus Manager	Canyon Country	ivan.grgas@chartercollege.edu (661) 252-1864
Marissa Wheatcroft Campus Manager	East Wenatchee	marrissa.wheatcroft@chartercollege.edu (509) 415-3576
Tammy Wilhelm Campus Manager	Farmington	tammy.wilhelm@chartercollege.edu (505) 793-8087
Jasmin Camara Regional Campus Manager	Fife and Lacey	jasmin.camara@chartercollege.edu (253) 252-4208
Nicolle McMillion Campus Manager	Lancaster	nicolle.mcmillion@chartercollege.edu (661) 341-3500
Julie Villalobos Campus Manager	Oxnard	Julie.villalobos@chartercollege.edu (805) 973-1240
Angela McCary Campus Manager	Pasco	angela.mccary@chartercollege.edu (509) 546-3900
Mahala Bemis	Vancouver	mahala.bemis@chartercollege.edu

Campus Manager		(360) 448-2000
Dave Anderson Campus Manager	Yakima	dave.anderson@chartercollege.edu (509) 412-1694
Susan Hamilton Vice President of Human Resources	Reno, Nevada Sandy, Utah	shamilton@prospecteducation.com (775) 737-7407

Additional Information

Students and employees may contact the Title IX Coordinator, Director of Regulatory Affairs or Vice President of Human Resources with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights (“OCR”) investigates complaints of unlawful harassment of students 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.

Sexual Violence- Immediate Care and Preservation of Evidence

If you experience Sexual Violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place. If there is any immediate danger, contact the Campus Manager or your Supervisors if you are on campus or a location or call 911 if you are off campus.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you. The College does not have a confidential counselor on campus but local resources are available that can provide confidential assistance <https://www.chartercollege.edu/campus-crime-security>.
3. For your safety and well-being, immediate medical attention is encouraged. Further, being examined (through a forensic examination) as soon as possible, ideally within 120 hours, is important in the case of rape or Sexual Assault. Completing a forensic examination does not require someone to file a police report. To find a location near you that performs free forensic examinations, call the National Sexual Assault Hotline at (800) 656-4673. Resources are also available through the Rape Abuse & Incest National Network (RAINN); www.RAINN.org.
 - A. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
 - B. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent items that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean bedsheet to avoid contamination.
 - C. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
 - D. Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a College policy violation.
 - E. Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.

Prevention and Education

In accordance with the Clery Act and VAWA, the College offers a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention in an effort to reduce the frequency of sex or gender-based discrimination, harassment, and violence amongst members of the campus community.

The College offers programming to identify and prevent Sexual Assault, Dating Violence, Domestic Violence (including stranger and known offender assaults), and Stalking each year. Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation.

Programs and other campaigns offered throughout the year to students and employees include information regarding awareness and primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss the College’s policies. Programs also offer information on risk reduction that strives to empower individuals who experience these incidents, how to recognize warning signs, and how to avoid potential attacks, and do so without biased approaches.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. Bystander empowerment training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the College community when others might choose to be bystanders.

