

Triangle Tech Group

Title IX and VAWA Policies and Procedures

This Policy supersedes all other student and employee policies with respect to discrimination on the basis of sex or gender identity, sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking. In the event that a set of facts involves an allegation of sexual misconduct covered by this Policy, and conduct covered by other school policies, this Policy controls.

I. Introduction and Non-Discrimination Statement

Triangle Tech promotes a work and educational environment that supports fundamental rights, personal and professional integrity and dignity. Triangle Tech condemns sexual and gender-based discrimination and harassment, including sexual assault, sexual exploitation, domestic violence, dating violence, stalking, and related retaliation. The following policies are intended to ensure compliance with Article XX-G of the Pennsylvania H.B. 101 of 2009, Title IX of the Education Amendments of 1972 (Title IX), the Violence Against Women Reauthorization Act of 2013 (VAWA), the amendments to Section 485[f] of the Higher Education Act, specifically the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [Clery Act], and related state- and federal-law. Title IX prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. VAWA, as amended, explicitly prohibits sexual assault, dating violence, domestic violence, and stalking that occurs at or adjacent to certain areas on campus.

The Triangle Tech Group has zero tolerance for sexual and gender-based discrimination and harassment, including sexual assault, sexual exploitation, domestic violence, dating violence, stalking, and related retaliation. In addition to being prohibited by law, such conduct is a serious violation of Triangle Tech policies and is contrary to the values of the Triangle Tech Group. The Triangle Tech Group ensures our employees and students that no reprisals will be taken against an employee or student who reports or experiences sexual misconduct and we are committed to addressing sexual misconduct, thoroughly and in a timely manner.

Triangle Tech encourages employees and students to familiarize themselves with the following policies and procedures. We invite you to ask questions, make recommendations and do your part to ensure that all forms of sexual and gender-based discrimination and harassment, including sexual assault, sexual exploitation, domestic violence, dating violence, and stalking are eradicated from our campus and our community.

II. Policy Scope and Jurisdiction

The following policies and procedures have been adopted to receive, investigate, and resolve complaints of sexual misconduct that could violate Title IX or VAWA or related state or federal laws. These procedures are designed to provide a supportive process for individuals who report sexual misconduct and to ensure a fair process for individuals who are accused of discriminatory or harassing conduct.

These policies apply to the conduct of all Triangle Tech employees and students, as well as third parties, (i.e., individuals who are neither students nor employees, including but not limited to prospective students, guests, vendors, and contractors) regardless of gender, sexual orientation, or gender identity, either on campus property; off-campus at any school sponsored activity or event; or off-campus when the effects of the off-campus sexual misconduct creates a hostile environment on campus.

Triangle Tech is committed to protecting the privacy of all individuals involved in reporting sexual misconduct under this Policy. However, if a complainant makes a request for confidentiality, Triangle Tech must weigh that request against our need to conduct a thorough investigation into the allegation and our obligation to provide a safe, non-discriminatory environment for all employees and students, including the complainant. Please note; privacy and confidentiality have distinct meanings under this Policy as defined below in Section VI.B.5.

III. Option for Assistance Following an Incident of Sexual Misconduct

Triangle Tech encourages all members of the Triangle Tech community who believe that they have witnessed, experienced, or are aware of sexual misconduct that constitutes a violation of this Policy to report the violation. Victims are encouraged to seek immediate medical attention and take steps to preserve pertinent information and tangible materials. If you wish to speak with someone for confidential support, please see Section III.B.1.b.

A. Immediate Assistance

- If you are the victim of sexual assault, make certain that you are out of immediate danger and go somewhere safe.
- If you are in a crisis situation, call 911.
- If you are on campus property, seek out the assistance of the School Director or Assistant Director. These employees have been trained to assist a victim in a crisis situation.

1. **Medical Attention** - The victim of a sexual assault is urged to be medically examined, as soon as possible, following the assault. Treatment for injuries, sexually transmitted infections (STI) and HIV medication are all options, in addition to a forensic exam. A forensic exam, completed by a medical practitioner, is the process through which physical evidence is collected. Physical evidence can include photo documentation of injuries, collection of fluids (blood, semen, urine, saliva) and other identifiable objects (hair, clothing with potential DNA). If evidence is to be collected, the victim is encouraged to not eat, drink, smoke, shower or change clothes if possible.

Triangle Tech, Pittsburgh School

To seek immediate medical attention, the nearest hospital to the campus of Triangle Tech, Pittsburgh school is: **Allegheny General Hospital, 320 East North Avenue, Pittsburgh, PA 15214. Phone: (412) 359-3131.**

If the victim would prefer the assistance of an advocate from a local rape crisis center to accompany the victim to the hospital, the nearest crisis intervention center is: **Pittsburgh Action Against Rape, 81 South 19th Street, Pittsburgh, PA 15203.**

Phone: 1-866-END-RAPE

Triangle Tech, Greensburg School

To seek immediate medical attention, the nearest hospital to the campus of Triangle Tech, Greensburg school is: **Excelsa Westmoreland Hospital, 532 West Pittsburgh Street, Greensburg, Pa. 15601. Phone: 724-832-4000**

If the victim would prefer the assistance of an advocate from a local rape crisis center to accompany the victim to the hospital, the nearest crisis intervention center is: **Blackburn Center PO Box 398 Greensburg, PA 15601 Phone: 724-836-1122 or 1-888-832-2272**

Triangle Tech, DuBois School

To seek immediate medical attention, the nearest hospital to the campus of Triangle Tech, DuBois school is: **Penn Highlands Health Care, 100 Hospital Avenue, DuBois, PA 15801 Phone: (814) 371-2200.**

If the victim would prefer the assistance of an advocate from a local rape crisis center to accompany the victim to the hospital, the nearest crisis intervention center is: **Passages, Inc. 90 Beaver Drive, DuBois, PA 15801 Phone: (814) 371-9677 or Toll Free 1-866-END-RAPE**

Triangle Tech, Sunbury School

To seek immediate medical attention, the nearest hospital to the campus of Triangle Tech, Sunbury school is: **Sunbury Community Hospital. Phone: 570-286-3333.**

If the victim would prefer the assistance of an advocate from a local rape crisis center to accompany the victim to the hospital, the nearest crisis intervention center is: **Transitions, P.O. Box 170 Lewisburg, PA 17837 Phone: 800-850-7948**

Triangle Tech, Bethlehem School

To seek immediate medical attention, the nearest hospital to the campus of Triangle Tech, Bethlehem school is: Lehigh Valley Hospital - Muhlenberg, 2545 Schoenersville Road, Bethlehem, PA 18017. Phone: 610-402-2273

If the victim would prefer the assistance of an advocate from a local rape crisis center to accompany the victim to the hospital, the nearest crisis intervention center is: Crime Victims Council of the Lehigh Valley, 801 Hamilton Street, Suite 300, Allentown, PA 18101. Phone: 610-437-6610

Triangle Tech, Chambersburg School

To seek immediate medical attention, the nearest hospital to the campus of Triangle Tech, Chambersburg school is: Wellspring Chambersburg Hospital, 112 North 7th Street. Chambersburg, PA 17201. Phone: (717) 267-3000

If the victim would prefer the assistance of an advocate from a local rape crisis center to accompany the victim to the hospital, the nearest crisis intervention center is: WIN: Women in Need, Franklin and Fulton County, Chambersburg, PA (717) 264-4444 Office;(800) 621-6660 Hotline

2. **Preservation of Information and Tangible Materials** - Preservation of information and tangible material is essential for both law enforcement investigations and campus disciplinary processes. Therefore, potential information and materials, including, but not limited to, clothing, drinks, glasses, bed linens, electronic communications (e.g., emails and text messages), and photographs should be preserved.

B. Ongoing Assistance

1. Counseling, Advocacy, and Support for Victims of Sexual Misconduct

- a.) **On-Campus Support Resources** - Triangle Tech has no confidential reporting sources on campus. However, Triangle Tech will assist the student in finding a local counselor off-campus. Listed below under section b.), Off-Campus Support Resources, are national and local organizations to which inquiries may be made confidentially. Triangle Tech's Student Services Manual also provides additional information on other Off-Campus Support Services.
- b.) **Off-Campus Support Resources** - The following are off-campus resources that can provide counseling and support to victims of sexual assault, whether or not the victim chooses to make an official report with local law enforcement officials or a file a written formal complaint with the Title IX Coordinator. Inquiries regarding the level of confidentiality, if any, that each location can provide must be addressed with the particular resource. These resources may also provide other advocacy, legal, or counseling assistance.

Local Resources

Triangle Tech, Pittsburgh School

Women's Center and Shelter of Greater Pittsburgh Phone: 412-687-8005; 24-Hour Hotline: 412-687-8005 or Toll-Free 877-338-8255; Counseling Center: 412-687-8005; Legal Advocacy: 412-355-7400; Medical Advocacy: 412-232-7479; Website: Women's Center and Shelter of Greater Pittsburgh <https://www.wcspittsburgh.org>

Crisis Center North, a nonprofit counseling and education center serving victims of domestic violence in the northern communities of Allegheny County Phone:(412) 364-5556 www.crisiscenternorth.org

Triangle Tech, Greensburg School

Blackburn Center PO Box 398 Greensburg, PA 15601 (Rape Crisis Center and Domestic Abuse Shelter)
Phone: 724-836-1122 or 1-888-832-2272

Triangle Tech, DuBois School

Passages, Inc – Crisis Intervention and Counseling for Rape/Sexual Assault/Child Sexual Abuse
Phone: (814) 371-9677

Crossroads – Domestic Violence Shelter

Phone: (814) 849-1617

Triangle Tech, Sunbury School

Wise Options– Crisis Intervention for Domestic violence and sexual assault (confidential unless reporting)
Phone: 570-323-8167

Triangle Tech, Bethlehem School

Crime Victims Council of the Lehigh Valley - Crisis Intervention & Counseling for Rape/Sexual Assault/Child Sexual Abuse
Phone: 610-437-6610

Turning Point of Lehigh Valley - Domestic Violence Shelter and Counseling Services.

444 E. Susquehanna St., Allentown, PA 18103.

Phone: (610) 797-0530

Triangle Tech, Chambersburg School

WIN: Women in Need, Franklin and Fulton County, Chambersburg, PA
(717) 264-4444 Office;(800) 621-6660 Hotline

National Resources

- i. National Sexual Violence Resource Center <http://www.nsvrc.org/>
Phone: 717-909-0710 Toll Free: 877-739-3895
- ii. Pennsylvania Coalition Against Rape <http://www.pcar.org/>
Toll Free Hotline: 888-772-7227
- iii. Women Organized Against Rape <http://www.woar.org/>
Phone: 215-985-3315 Hotline: 215-985-3333
- iv. Domestic Abuse Hotline
Toll Free: 800-799-7233
- v. Pennsylvania Coalition Against Domestic Violence <http://www.pcadv.org/>
Phone: 717-545-6400 Toll Free: 800-932-4632
- vi. Women Against Abuse <http://www.womenagainstabuse.org/>
Hotline: 866-723-3014
- vii. Rape, Abuse & Incest National Network www.rainn.org
Hotline: 800-656-HOPE (24-hour)

2. Supportive Measures and Remedies

Should an individual student or employee come forward with a complaint of sexual misconduct that violates this Policy, Triangle Tech will make every effort to take immediate steps to ensure the safety and wellbeing of the Complainant(s), which may include notification of a criminal violation to the local law enforcement, and possible emergency removal of a student Respondent after an individualized safety and risk analysis is conducted. If the school determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision does not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

If the Respondent is a non-student employee of alleged sexual misconduct, Triangle Tech may place the employee on administrative leave during grievance process.

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Triangle Tech must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. (Ref: *Electronic Code of Federal Regulations Title 34: Education Part 106 Subpart D §106.30 Definitions*)

Triangle Tech will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in this section, against a respondent. Remedies must be designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include the same individualized services described as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

IV. Title IX Roles

A. Identification

Triangle Tech ensures compliance with Title IX regulations through a Title IX Coordinator and a Deputy Title IX Coordinator. In the absence of the Title IX Coordinator, the Deputy Title IX Coordinator will assume all responsibilities of the Title IX Coordinator.

The Title IX Coordinator information is as follows:

Title IX Coordinator

Mrs. Deborah Hepburn
Executive Director of Compliance & Education
Triangle Tech Group
Triangle Tech, DuBois School

Deputy Title IX Coordinator

Mr. Michael Biechy
Director of School Operations & Student Affairs
Triangle Tech Group
Triangle Tech, Bethlehem School

225 Tannery Row Road
Falls Creek, PA 15840
(814) 371-2090 x 7431 (phone)
TitleIX@triangle-tech.edu

3184 Airport Road
Bethlehem, PA 18017
(610) 266-2910 x 7802 (phone)
TitleIX@triangle-tech.edu

Pursuant to Title IX, Triangle Tech's Title IX Coordinator is the designated agent of Triangle Tech with primary responsibility for coordinating Title IX compliance efforts. The Title IX Coordinator's responsibilities are critical to the development, implementation, and monitoring of meaningful efforts to comply with Title IX and VAWA legislation, regulation, and case law. In broad terms, the Title IX Coordinator oversees monitoring of this Policy in relation to Title IX and VAWA developments; implementation of grievance procedures, including notification to Investigators of complaints; provision of educational materials and training for the campus community and monitoring all other aspects of the school's Title IX and VAWA compliance.

B. Role of the Title IX Coordinator

The Title IX Coordinator's roles include, but are not limited to:

- Responsible for monitoring and overseeing school's compliance with Title IX and prevention of sexual misconduct.
- Knowledgeable and trained in school's policies and procedures and relevant state and federal law.
- Available to advise individuals about school and community resources and reporting options.
- Available to provide assistance to school employees regarding how to respond appropriately to report of Title IX-related prohibited conduct and related retaliation.
- Ensures effective implementation of school's sexual misconduct policies and procedures.
- Oversees training, prevention, and education efforts and annual reviews of climate and culture.
- Overseeing the school's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.
- Must be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- Providing training to students, faculty, and staff on Title IX issues;
- Determining appropriate supportive measures for a complainant upon receiving or learning of a report or complaint of sexual violence;
- Responsible to ensure effective implementation of any remedies.
- Ensuring appropriate policies and procedures for working with local law enforcement and coordinating services with local victim advocacy organizations and service providers;
- Must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

C. Role of Title IX Investigator

The Title IX Investigator(s) are designated to conduct formal investigations of violations under this Policy and to complete an investigative report at the conclusion of the investigation. Investigators must objectively evaluate all relevant evidence-including both inculpatory and exculpatory evidence. Investigators must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

D. Role of Title IX Decision-Maker or Adjudicator

The Decision-Maker oversees the live hearing to objectively evaluate the relevant evidence, both inculpatory and exculpatory, the credibility of the parties and witnesses, and reach a determination regarding responsibility for the alleged sexual harassment without giving deference to the investigative report. The Decision-Maker is also responsible to determine

sanctions and/or remedies for the parties. During the cross-examination of witnesses, the Decision-Maker must determine if a question is relevant before the party or witness answers the question. Decision-Makers must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

F. Role of Appeals Officer

The Appeals Officer is a trained and impartial decision-maker, who is not the Decision-Maker for the Hearing, the Title IX Investigator, or the Title IX Coordinator. The Appeals Officer reviews the appeal(s) submitted by either or both parties to make a final determination responsibility. The Appeals Officer must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Ultimate oversight of the Title IX policies and procedures, however, remains with the Title IX Coordinator to coordinate and ensure Triangle Tech's compliance with Title IX and VAWA. To assure Institutional-wide compliance with this Policy and with federal and state law, the Title IX Coordinator must be advised of all reported incidents of gender-based and sexual discrimination and harassment, including, but not limited to, sexual assault, dating violence, domestic violence, and stalking.

V. Definitions

A. Prohibited Conduct - Conduct prohibited by the Policy includes:

- 1) Dating Violence
- 2) Domestic Violence
- 3) Intimidation
- 4) Retaliation
- 5) Sex-Based Discrimination and Sex-Based Harassment
- 6) Sexual Assault
- 7) Sexual Exploitation
- 8) Sexual Harassment
- 9) Stalking

Definitions of the conduct prohibited by the Policy are as follows:

- 1.) **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on the reporting party's statement, taking into consideration the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence, for purposes of this Policy, does not include emotional abuse.
- 2.) **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or who has cohabitated with the alleged victim as a spouse, by a person similarly situated to a spouse of the alleged victim under the domestic or family laws of the Commonwealth of Pennsylvania, 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 Commonwealth of Pennsylvania.

While there is no distinct definition of "Domestic Violence" under the Pennsylvania Crimes Code, it should be noted that if a criminal complaint is made to law enforcement outside of Triangle Tech, the following standard of probable cause will apply (this is different than the procedures which apply to on-campus disciplinary matters, as set forth later in the Policy):

§ 2711. Probable cause arrests in domestic violence cases.

- (a) General rule.--A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term "family or household member" has the meaning given that term in

23 Pa.C.S. § 6102 (relating to definitions). Link:

<http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&tli=18&div=0&chpt=27&sctn=11&ubsctn=0>

- 3.) **Intimidation:** Any act to deter an individual from making a report of an alleged violation of this Policy by imposing fear through threats of physical or emotional harm to the Reporter or his/her associates.
- 4.) **Retaliation:** Any act or attempt to take action against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of an allegation of misconduct under this Policy. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a Complainant or Respondent, can engage in retaliation.

No school "or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under

- 5.) **Sex-Based Discrimination or Sex-Based Harassment:** Behavior or action that denies or limits a person's ability to benefit from, fully participate in educational programs or activities or employment opportunities because of a person's sex, gender identity, or gender expression. Sex-Based Discrimination and Sex-Based Harassment includes Sexual Harassment, which is further defined below, and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.
- 6.) **Sexual Assault:** Having sexual intercourse or sexual contact with another individual by the use of threat of force or coercion, without consent, or where the individual is incapacitated.
- Sexual Assault is also prohibited by federal and Pennsylvania law. For purposes of this Policy, prohibited Sexual Assault includes: Rape, Statutory Sexual Assault, Sexual Assault, Indecent Assault, Fondling, Incest as defined by the FBI's Uniform Crime Reporting Program (available at <http://www.fbi.gov/about-us/cjis/ucr/nibrs/nibrs-user-manual>), or the Pennsylvania Criminal Code (available at <http://www.pameganslaw.state.pa.us/CrimeCode.aspx>).
 - For purposes of this Policy, Sexual Assault also includes: Non-consensual sexual contact. Non-consensual sexual contact means any sexual touching, with any object, by a person upon another person without consent, or forcing any person touch you or themselves in a sexual manner. It is defined as engaging in any sexual contact other than intercourse with another person without that person's consent and/or cognizance. It includes any non-consensual sexual contact, including any improper touching of intimate body parts. It also includes the non-consensual removal of another's clothing, indecent contact (i.e., the unwanted touching of intimate body parts including, but not limited to, genitals, buttocks, groin, or breasts) or causing another to have indecent contact with those intimate body parts.
 - For purposes of this Policy, Sexual Assault also includes: Non-consensual sexual intercourse. Non-consensual sexual intercourse means any sexual intercourse (anal, oral or vaginal), with any object, by a person upon another person without that person's consent. Non-consensual intercourse may be accomplished by expressly or implicitly forcing or

coercing another person to have intercourse against that person's will, including the use or threat of physical force, or any behavior that is designed to intimidate and induce fear in another person. Non-consensual intercourse can also occur when another person is incapable of denying or giving consent.

7.) **Sexual Exploitation:** Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute Sexual Assault, Dating Violence, Domestic Violence, or Stalking. Examples of Sexual Exploitation include, but are not limited to: non-consensual observation of individuals who are undressed or engaging in sexual acts; non-consensual video or audio-taping of sexual activity; prostituting another person; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); or knowingly transmitting an STD or HIV to another.

8.) **Sexual Harassment:** Sexual harassment as defined in §106.30 of the federal regulations, means conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity;
- "quid pro quo" - an employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct; or
- sexual assault, as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in VAWA.

Please see the electronic code of federal regulations at the following link: https://www.ecfr.gov/cgi-bin/retrieveecfr?gp=&sid=d57fda18a315b5d86e29e8e292ea78a4&mc=true&n=sp34.1.106.d&r=subpart&ty=html#se34.1.106_130

- **Important Notice: Please do not wait to report conduct of concern until harassment becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment.** The Title IX Coordinator (or designee) can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed. For example, Triangle Tech can advise the alleged harasser of their inappropriate conduct, assist in arranging for no-contact orders for the person harassed, change class schedules, and testing schedules as needed. The Title IX Coordinator and his/her designees can also provide expertise and advice to help identify conduct that might be a warning sign of or constitute sexual harassment or hostile environment harassment prohibited by this Policy and address any concerns or complaints appropriately.

9.) **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer severe emotional distress. One engages in an impermissible course of stalking conduct if one engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited as described above, or interferes with a person's property.

- Although the focus of this Policy is on gender-based stalking, the Policy prohibits stalking of any type.
- **Stalking is also prohibited by Pennsylvania law.** The applicable definition from the Pennsylvania Criminal Code, Title 18, is provided in Appendix B.

B. Related Definitions

Related definitions for this Policy include:

- 1) Actual Knowledge
- 2) Advisor
- 3) Complainant
- 4) Consent
- 5) Education Program or Activity
- 6) Formal Complaint
- 7) Informal Resolution
- 8) Remedies
- 9) Supportive Measures
- 10) Reporter
- 11) Respondent
- 12) Witness

Definitions are as follows:

- 1) **Actual Knowledge**: Notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient.
- 2) **Advisor**: Any individual who provides the Complainant or Respondent support, guidance, or advice. An Advisor, who may be, but is not required to be, an attorney, may inspect and review evidence, is permitted to participate in the live Hearing by asking the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- 3) **Complainant**: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- 4) **Consent**: Consent, for purposes of this Policy, means words or actions that show a knowing and voluntary agreement to engage in mutually agreed sexual activity. Consent is active, not passive. An affirmative statement or action does not constitute consent if it is given by a person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of his or her incapacitation due to intoxication, unconsciousness, mental disability, or if the consent is the product of threat or coercion. In whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, or the absence of resistance, cannot be interpreted as consent. It is the responsibility of the initiator of sexual contact to make sure that s/he understands fully what the person with whom s/he is involved wants and does not want sexually. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. A previous relationship or consent does not imply consent to future sexual acts. And, consent can be withdrawn at any time.
- 5) **Education Program or Activity**: includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.
- 6) **Formal Complaint**: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through

an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party and must comply with applicable Title IX requirements.

- 7) **Informal Resolution**: A simplified resolution process of a formal complaint that does not involve a full investigation and adjudication.

Informal Resolution is not an option for parties involved in formal complaints of conduct allegedly sexual harassment under Title IX §106.30, or Section V.A.8 of this document.

- 8) **Remedies**: Measures provided to the complainant, when a determination of responsibility for sexual harassment has been made against the respondent; designed to restore or preserve equal access to the school's education program or activity. Unlike supportive measures in place with or without a grievance process pending, a complainant's remedies may be disciplinary or punitive and may burden the respondent, where supportive measures should not.
- 9) **Supportive Measures**: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- 10) **Reporter(s)**: An individual(s) reporting alleged conduct prohibited by this Policy. The Reporter may be the Complainant or any other third-party.
- 11) **Respondent(s)**: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- 12) **Witnesses**: Persons who have factual information about alleged violation(s) of this Policy.

VI. Reporting Sources & Protocols

A. Off-Campus Reporting Sources

- 1) **Law Enforcement:** Any individual who believes that he or she has been subjected to or witness to, or are otherwise aware of, sexual misconduct that violates this Policy and that which constitutes a criminal offense prohibited by federal and Pennsylvania law, is strongly urged to file a criminal complaint by reporting such conduct immediately to the local law enforcement (call 911). However, the victim may decline to notify such authorities. If the Complainant so desires, the Triangle Tech's Title IX Coordinator will assist him/her in contacting the local law enforcement.

Triangle Tech
Pittsburgh School

Pittsburgh Police Depart.-Zone 1
Emergency: 911
Non-Emergency: 412-323-7201

Triangle Tech
Greensburg School

Greensburg Police Department
Emergency: 911
Non-Emergency: (724) 834-3800

Triangle Tech
DuBois School

Sandy Township Police Department
Emergency: 911
Non-Emergency: 1-800-689-3535

Triangle Tech
Chambersburg School

PA State Police-Troop H
Emergency: 911
Non-Emergency: (717) 264-5161

Triangle Tech
Bethlehem School

Bethlehem Police Department
Emergency: 911
Non-Emergency: 610-865-7187

Triangle Tech
Sunbury School

PA State Police-Stonington Barracks
Emergency: 911
Non-Emergency: (570) 286-5601

- 2) A person may also file a complaint with the U.S. Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800-421-3481 or emailing OCR.Philadelphia@ed.gov or by visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

B. On-Campus Reporting Sources

- 1) **Triangle Tech's Title IX Coordinator** - Any individual who believes that he or she has been subjected to or witness to, or are otherwise aware of, behaviors that violate this Policy, is strongly urged (but not required) to file a written formal complaint by reporting such conduct immediately to Triangle Tech's Title IX Coordinator. The Title IX Coordinator Mrs. Deborah Hepburn, Executive Director of Compliance & Education.

Mrs. Deborah Hepburn
Executive Director of Compliance & Education
Triangle Tech Group
Triangle Tech, DuBois School
225 Tannery Row Road
DuBois, PA 15840
(814) 371-2090 X 7431 (phone)
TitleIX@triangle-tech.edu

The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

- 2) **Deputy Title IX Coordinator** – In the event the Title IX Coordinator is unavailable, any individual who believes that they have been subjected to, or witnesses to, or are otherwise aware of, behaviors that violate this Policy, is strongly urged (but not required) to file a formal complaint by reporting such conduct immediately to-Triangle Tech's Deputy Title IX Coordinator, Mr. Michael Biechy, Director of School Operations & Student Affairs.

Mr. Michael Biechy
Director of School Operations & Student Affairs
Triangle Tech Group
Triangle Tech, Bethlehem School
3184 Airport Road
Bethlehem, PA 18017
(610) 266-2910 X 7802 (phone)
TitleIX@triangle-tech.edu

The Deputy Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

3) **Responsible Employees:** Triangle Tech's Responsible Employees are officials who have authority to institute corrective measures on behalf of Triangle Tech (the recipient). Notification of an alleged violation of Title IX sexual harassment will convey knowledge to Triangle Tech and trigger Triangle Tech's response obligations.

- The Title IX Coordinator and Deputy Title IX Coordinator are Responsible Employees for all students and employees for the Triangle Tech Group.
- The School Director is a Responsible Employee for all students, staff, and faculty at the local school level.
- The Assistant Director is a Responsible Employee for all students and faculty at the local school level.
- Triangle Tech's President, Executive Vice President, Vice President of Human Resources, and the Corporate Directors, who are immediate supervisors, are also Responsible Employees.

PLEASE NOTE: Triangle Tech recognizes that a student or employee may report conduct alleged to be prohibited by this policy to a Triangle Tech employee other than the Title IX Coordinator or official with authority; such as a faculty member or other employee. Individuals, who report an alleged violation of this policy, should be aware that these employees do NOT meet the Title IX definition of Responsible Employees, as defined above. However, these employees have a duty and an obligation to report alleged violations of Triangle Tech policies to their immediate supervisor.

C. Reporting Protocols

- 1) **Confidentiality of Reporter Identity** – Triangle Tech will keep confidential the identity of any individual **who has made a report or complaint** of any form of prohibited sex discrimination, including any reporter, complainant, respondent, or witness, except:
 - As may be permitted by FERPA
 - Or as required by law; or
 - To carry out the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
- 2) **Confidentiality of Complainant Identity:** When a report of sexual harassment is made to the Title IX Coordinator or any official who has the authority to institute corrective measures on behalf of the recipient, but the Complainant simultaneously or subsequently requests that his/her identity remain confidential or requests that no investigation into a particular incident be conducted or disciplinary action taken, Triangle Tech's Title IX Coordinator must weigh this request against the school's obligation to provide a safe and non-discriminatory environment for all members of the Triangle Tech community.

Under these circumstances, Triangle Tech’s Title IX Coordinator will weigh the request for confidentiality against the following factors: whether the report is a written formal complaint, if the alleged conduct occurred during an education program or activity, the seriousness of the alleged conduct, any potential threats to community safety, the respective ages and positions of the Complainant and the Respondent, whether there have been other complaints against the Respondent, and the Respondent’s right to receive information under applicable law. If Triangle Tech determines that we are unable to maintain the victim’s confidentiality, Triangle Tech will inform the victim prior to starting the investigation and will, to the extent possible, only share the information with the people responsible for handling the investigation into the complaint.

If the report of sexual harassment is not a written formal complaint, Triangle Tech will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality, but the institution’s ability to investigate the complaint may be limited.

If a formal written complaint is filed with the Title IX Coordinator, or an official who has authority to institute corrective measures on behalf of the recipient, the Title IX Investigator **must** provide a written notice of allegations with sufficient detail that includes the identities of the parties, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

Triangle Tech Title IX Investigator will take all reasonable steps to investigate and respond to the written formal complaint consistent with privacy, but the institution is not able to keep the information regarding the written formal complaint confidential.

CONFIDENTIALITY VERSUS PRIVACY

- a) Confidentiality means that information related to a report of sexual misconduct cannot be revealed to any other individual without the permission of the Complainant or the Reporter, if different.
- b) Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited group of individuals. The reported information is limited to those individuals who “need to know” in order to assist in the active investigation of the report. While not bound by confidentiality, these individuals are trained to be discreet and respect the privacy of all individuals involved in the process.

- 3) **Anonymous Reporting:** Triangle Tech encourages all employees, students, and third parties to report sexual misconduct prohibited by this Policy in order to achieve a school environment that is conducive to learning and positive feelings of community. Triangle Tech will respond to any information it receives, whether from an identified Reporter or anonymously. Formal Complaints can be made online at <https://triangle-tech.edu/node/add/incident-report>

An individual may report the incident to the Title IX Coordinator without disclosing one’s name, identifying the Respondent, or requesting any action. However, please understand that the level of information available about the incident or the individuals involved may impact Triangle Tech’s ability to respond or take further action. Anonymous reports may also be made by contacting Triangle Tech’s Title IX Coordinator, Mrs. Deborah Hepburn, Executive Director of Compliance & Education at (814) 371-2090.

- 7) **Statement against Retaliation:** Retaliation is a violation of this Policy. The Triangle Tech Group will neither participate in, nor will it permit retaliation for such a complaint being filed. Retaliation against any Reporter or Complainant, or anyone who participates in the report or investigation process, or anyone who otherwise provides information regarding allegations of misconduct, is prohibited by this Policy and will not be tolerated. Anyone found to have engaged in Retaliation shall be subject to discipline, including potential dismissal from employment or termination of enrollment in the program.

- 8) **Amnesty for Students Who Report Conduct Prohibited by this Policy:** Triangle Tech seeks to remove any barriers to reporting. Triangle Tech recognizes, however, that a student who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for his/her own conduct. A student who reports conduct in violation of this Policy will not be subject to disciplinary action by the Triangle Tech related to the personal ingestion of alcohol or other drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. Triangle Tech may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.
- 9) **False Reporting** - No person shall make an allegation that he or she knows to be untrue or knowingly provide false information during the course of an investigation. Making a false complaint or giving false information is a violation of this Policy and may be a basis for discipline, up to and including discharge of employment or termination of enrollment from the program.

VII. Formal Complaint Framework

A. Formal Complaint

1. To file a formal complaint, contact the Title IX Coordinator by mail, phone, email or via Triangle Tech's website at <https://triangle-tech.edu/node/add/incident-report>
2. When filing a written formal complaint, sufficient details must be provided to the Title IX Coordinator to include:
 - a. the identities of the parties involved in the alleged incident, if known,
 - b. the conduct allegedly constituting sexual harassment under §106.30, or Section V.A.8 of this document, and
 - c. the date and location of the alleged incident, if known.
3. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
4. In accordance with PDE regulations on sexual violence awareness, a summary of Victim's Rights under SaVE/VAWA will be issued to the complainant.

B. Written Notice of Allegations

- 1) Once the Title IX Coordinator receives a formal written complaint, a written notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in §106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview will be provided to both the complainant and the respondent.
- 2) The written notice will be generated as soon as practicable but no more than ten (10) working days after the receipt of the formal complaint. The written notice will be sent to both the complainant and the respondent, at the same time. (Regulations: with sufficient time to prepare a response before any initial interview)
- 3) The written notice will include reference to Triangle Tech's grievance process that complies with Title IX regulations §106.45.

- 4) The written notice will include sufficient details as to the identities of the parties involved in the alleged incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- 5) The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- 6) The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence.
- 7) The written notice must inform the parties of any provision in Triangle Tech's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- 8) If, in the course of an investigation, Triangle Tech decides to investigate allegations about the complainant or respondent, which are not included in the written notice of allegations provided, Triangle Tech must provide notice of the additional allegations to the parties whose identities are known.

VIII. Investigation Procedures and Protocols

A. Coordination of Investigation

- 1) Once a formal complaint has been filed, the Title IX Coordinator has primary responsibility of notifying the Title IX Investigator(s) that a formal complaint has been filed.

B. Initial Intake & Assessment

In every report of sexual misconduct under this Policy, the Title IX Investigator(s) (or designee), in cooperation with the Investigative Team, will:

- 1) Make a prompt assessment of whether the alleged behavior, if true, would constitute a Policy violation.
- 2) Assess the existence of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of individuals and the campus community.

C. Emergency Removal & Administrative Leave

- 1) **Emergency Removal** – Triangle Tech may remove a respondent from the Triangle Tech's education program or activity on an emergency basis, provided that Triangle Tech undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- 2) **Administrative Leave** - Triangle Tech may place a non-student employee respondent on administrative leave during the pendency of a grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

D. Dismissal of a Formal Complaint

- 1) Triangle Tech must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in §106.30 even if proved, did not occur in the recipient's education program or activity, or did not occur against a person in the United States, then Triangle Tech must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of Triangle Tech's code of conduct.
- 2) Triangle Tech may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- 3) Upon a dismissal of a complaint required or permitted as stated in paragraph 1 and 2 of this section, Triangle Tech must promptly send written notice of the dismissal and the reason(s) for the dismissal, simultaneously to the complainant and the respondent.

E. Investigative Process

In response to reports of misconduct under this Policy, the Reporter shall be encouraged to file a formal written complaint. In cases where there is no formal written complaint, the Title IX Coordinator (or designee) may sign a complaint to initiate an investigation. In response to a formal complaint, the Title IX Investigator(s) will inform both the complainant and the respondent in writing of the decision to initiate an investigation through a written notice of allegations.

Triangle Tech's formal complaint process includes a presumption of innocence for the Respondent. The presumption of innocence does not imply the alleged sexual harassment did not occur; rather, the presumption ensures Triangle Tech does not take action against a Respondent as though the sexual harassment occurred prior to the allegations being proved. Triangle Tech's Title IX personnel will interact with both the Complainant and the Respondent in an impartial manner throughout the grievance process without prejudgment of the facts at issue, and without drawing inferences about the credibility based on a party's status as a Complainant or Respondent.

1) Investigation Phase

- a. Following the receipt of a written formal complaint, if it is determined that there may be a reason to believe that the policy may have been violated, a fact finding investigation will commence to determine if a violation of Triangle Tech's sexual harassment policies or code of conduct policies occurred. The Title IX Investigator(s) (or designee) are designated to conduct investigations of violations under this Policy.
- b. Prior to the start of an investigation the complainant and respondent(s) shall be provided a written notice of allegations. The Complainant and Respondent will be provided at least ten working (10) days, after of receipt of the notice of allegations, to prepare for the investigation and the initial interviews. Attempts to notify the complainant and the respondent will be documented.
- c. The Complainant and Respondent will be given the opportunity to meet separately with the Title IX Investigator(s) (or designee) during the investigative process to present evidence, including names of eye witnesses; to review the policy and procedures for the investigation; and will be given a copy of the Pennsylvania Crime Victims' Rights (Pennsylvania **Crime Victims Act** (18 P.S. § 11.101))

- d. For matters involving Sexual Assault, Dating Violence, Domestic Violence, or Stalking, both the Complainant and Respondent may have an advisor of their choice at any disciplinary meeting or proceeding conducted pursuant to the formal resolution process. The role of the advisor is solely to provide emotional support and guidance during the investigative interview. The advisor **will not** actively participate in the investigative proceedings, ask questions, interrupt, or otherwise disrupt the process. Any advisor who does so shall be removed from the process. The role of the advisor during a live hearing is to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- e. The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed and a review of relevant documents as appropriate. The parties shall be able to recommend others that should be interviewed and present evidence.

Triangle Tech will not permit questions or evidence that constitutes or seeks disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Legal privileges protect communications and documents from disclosure between Attorney-Client; Priest-Penitent; Doctor-Patient; and Spousal.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Triangle Tech will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

- f. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation, and consistent with FERPA. While Triangle Tech cannot restrict the ability of either party to discuss the allegations under investigation, participants in an investigation shall be advised that maintaining privacy is essential to protect the integrity of the investigation and will be advised that discussing the pending investigation with anyone other than the investigator, their advisor, and, when appropriate, other person(s) serving as support in a professional capacity (i.e., counselor, therapist), may compromise the investigation.
- g. At any time during the investigation, the Title IX Investigator may recommend to the Title IX Coordinator that additional interim protections or remedies for the Complainant, Witnesses, or the Respondent be provided by appropriate school officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, making alternative workplace arrangements, or evaluating financial aid relief. Failure to comply with the terms of interim protections may be considered a separate violation of this Policy. The investigation shall be completed as promptly as possible and in most cases within (30) working days of the date the written complaint was received, but may be extended in (10) working day intervals with written notice explaining the reason for the extension.
- h. Preservation of information and tangible material is essential for both law enforcement investigations and campus disciplinary processes. Therefore, potential information and materials (evidence), including, but not limited to, clothing, drinks, glasses, bed linens, electronic communications (e.g., emails and text messages), and photographs should be preserved.
- i. Both the Complainant and the Respondent are entitled to a prompt, fair, and impartial process from the initial investigation to the final result. Both the Complainant and the Respondent must be provided with the same

opportunities to have others present during any institutional disciplinary hearing or process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Triangle Tech cannot limit the choice of an advisor or presence for either party; however, Triangle Tech has the right to establish restrictions regarding the extent to which the advisor may participate in the meeting or proceedings, as long as the restrictions apply equally to both parties. For restrictions regarding the advisor's role see Section VII.E.1.d., of this Policy.

During the investigation and resolution of a complaint, the complainant and respondent shall also have equal rights, which include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence;
 - Similar and timely access to all information considered by the Title IX Investigator;
 - Equal opportunity to review any statements or evidence provided by the other party; and
 - Equal access to review and comment upon any information independently developed by the Title IX Investigator.
- j. The Title IX Investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- k. Prior to completion of the investigative report, Triangle Tech must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have up to ten (10) working days to provide a written response, after which the investigator will not be required to accept a late submission. The Investigator will consider the response of both parties prior to completion of the investigative report. The Investigator has ten (10) working days to generate a report or, alternatively, may provide the parties with written notice extending the investigation in ten (10) working day intervals and explaining the reason for the extension."
- l. The Title IX Investigator will create an investigative report that fairly summarizes relevant evidence and, at least ten (10) working days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.
- m. A Complainant may seek resolution through Triangle Tech's formal complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Triangle Tech encourages Complainants to pursue criminal action for violations of this Policy that may also be crimes under Pennsylvania law. Triangle Tech will assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether misconduct under this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- n. If a Reporter, or Complainant-if not the Reporter, refuses to file a formal written complaint and requests confidentiality; this limits the school's ability to investigate the issue. In instances where the alleged sexual misconduct is a Policy violation, but not a criminal offense and has no witnesses or evidence to prove the alleged sexual misconduct, Triangle Tech may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without a formal complaint filed against the alleged perpetrator or revealing the identity of the student complainant. Examples include: providing increased monitoring or supervision at locations or activities

where the misconduct occurred; providing training and education materials for students and employees; and revising and publicizing the school's policies on sexual misconduct.

VIII. Grievance / Adjudication Procedures

- A. **Mediation:** Mediation is never an option for resolution in cases involving allegations of sexual assault.
- B. **Standard-of-the-Evidence** - The "Preponderance-of-the-Evidence" standard will be used in any Title IX fact-finding and related proceedings, including any hearings, to determine whether a violation of the school's policy occurred.

Preponderance-of-the-Evidence means that the Decision-Maker must be convinced based on the information it considers that the Respondent was more likely than not to have engaged in the conduct at issue in order to find the Respondent responsible for violating the school's policy.

Triangle Tech's formal complaint process mandates an objective evaluation of all evidence and provides that credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

An objective evaluation is one that involves:

- Impartial consideration of available evidence
- No prejudgment of parties, witnesses, facts at issue, or how facts at issue are presented
- No deference to recommendations of an investigator

D. Live Hearings

For postsecondary institutions, the recipient's grievance process must provide for a live hearing.

- 1) Live hearings may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Recipients must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- 2) At the request of either party, the recipient must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- 3) Live Hearings, for matters involving Sexual Harassment as defined in Section V.A.8 of this policy, including Sexual Assault, Dating Violence, Domestic Violence, or Stalking, are conducted with the Complainant and Respondent. In addition, the Complainant and the Respondent may have an advisor of their choice present at the live hearing
- 4) If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- 5) The role of the advisor during a live hearing is to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the recipient under paragraph VIII.E.1.d. of this document to otherwise restrict the extent to which advisors may participate in the proceedings. **The Complainant and the Respondent are NEVER permitted to personally conduct cross-examination.**

- 6) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- 7) Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.
- 8) Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

E. Rules of Decorum for Title IX Hearings

Rules of Decorum are to be observed in the hearing, and applied equally to all parties and advisors, regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

1. Questions must be conveyed in a neutral, respectful tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally misname or mis-gender that person in communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically "lean in" to a party or witness's personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Panel Chair.
6. The advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be investigative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Decision-Maker or by the advisor in cross-examination. When the Decision-Maker determines a question has been "asked and answered" or is otherwise not relevant, the advisor must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

Objections to Relevance of Testimony or Evidence

Only the Complainant or Respondent may raise objections to the relevance of testimony or evidence. Such objections must be directed to the Decision-Maker, who will determine whether the testimony or evidence is relevant and should be admitted or irrelevant and, thus, inadmissible.

Warning and Removal Process

The Decision-Maker shall have sole discretion to determine if the Rules of Decorum have been violated. The Decision-Maker will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules of Decorum, the Decision-Maker shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Decision-Maker removes a party's advisor, the party may select a different advisor of their choice or must accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The Decision-Maker shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis.

Relevant Questions Asked in Violation of the Rules of Decorum

When or if an advisor asks a relevant question in a manner that violates the Rules of Decorum, the question may not be deemed irrelevant by the Hearing Panel Officers simply because of the manner it was delivered. Under that circumstance, the Decision-Maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules of Decorum).

E. Determination Regarding Responsibility

The Decision-Maker(s), who cannot be the same person(s) as the Title IX Coordinator or the Investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the preponderance standard of evidence as described previously.

The written determination must include—

- 1) Identification of the allegations potentially constituting sexual harassment.
- 2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- 3) Findings of fact supporting the determination;
- 4) Conclusions regarding the application of the recipient's code of conduct to the facts;
- 5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- 6) The recipient's procedures and permissible bases for the complainant and respondent to appeal.
 - a. The recipient must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
 - b. The Title IX Coordinator is responsible for effective implementation of any sanctions or remedies.

F. Appeals.

- 1) A recipient must offer both parties an appeal from (1) a determination regarding responsibility or (2) from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A recipient may offer an appeal equally to both parties on additional bases.

- 2) Disagreement with the finding or sanctions is not, by itself, grounds for an appeal.
- 3) As to all appeals, the recipient must:
 - a. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
 - b. The decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
 - c. Ensure that the decision-maker(s) for the appeal complies with the standards set forth for all individuals responsible for Title IX.
 - d. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - e. Issue a written decision describing the result of the appeal and the rationale for the result; and
 - f. Provide the written decision simultaneously to both parties.

The request for an appeal, including the grounds upon which the request is based, must be submitted in writing to the Appeal's Officer (as identified in the outcome letter) within ten (10) business days following the date on the outcome letter. Each party will be notified if an appeal request will be considered and be provided the opportunity to respond.

Appeals decisions will be rendered within ten (10) business days after the receipt of the formal appeal request. Both parties will be notified in writing of appeal outcome.

G. Informal Resolution

Informal Resolution is not an option for parties involved in formal complaints of conduct allegedly sexual harassment under Title IX §106.30, or Section V.A.8 of this document.

H. Recordkeeping.

A recipient must maintain for a period of seven (7) years records of—

- 1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under paragraph (b)(6)(i) of this section, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
- 2) Any appeal and the result therefrom;
- 3) All materials used to train Title IX Coordinators, investigators, decision-makers, and appeals officers. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.
- 4) For each response required to sexual harassment, a recipient must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the

recipient's education program or activity. If a recipient does not provide a complainant with supportive measures, then the recipient must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

I. Right and Roles of Complainant and Respondent

- 1) Both the accuser and the accused will be simultaneously informed, in writing, of
 - the notice of any disciplinary proceeding;
 - the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault or stalking;
 - the institution's procedures for the accused and the victim to appeal the results of the institutional proceeding;
 - any change to the results that occurs prior to the time that such results become final; and
 - when such results become final.

J. Results of the Adjudication Process

- 1) Possible Sanctions
 - a. Sanctions or remedies for student Respondents will be determined by the Executive Director of Compliance & Education in consultation with the Title IX Coordinator (or designee) and Assistant Director. Sanctions for Employee Respondents will be determined by their Immediate Supervisor in consultation with the Title IX Coordinator (or designee) and Human Resources. Sanctions for corporate Employee Respondents will be determined by their Immediate Supervisor in consultation with the Triangle Tech's President and Vice President of Human Resources. The Title IX Coordinator (or designee) is responsible for assessing if the sanction is suitable for the situation and will assist in eliminating future occurrences.
 - i. Student Respondents: Sanctions imposed upon students can include a range of sanctions including, but not limited to, off-campus education and / or counseling, disciplinary probation, suspension or termination of enrollment from Triangle Tech.
 - ii. Employee Respondents: Sanctions imposed on employees can include a range of sanctions including, but not limited to, education, counseling, disciplinary warning, paid or unpaid suspension of employment, or termination of employment.
 - iii. Violation of VAWA or Clery Act Crimes: Any employee respondent or student respondent determined to be found guilty of violating the Violence Against Women Act (VAWA) and/or Clery Act, including crimes of stalking, domestic violence, dating violence, and sexual assault, will be immediately subject to discharge from employment or termination of enrollment from the program, respectively.

- 2) Notification to Parties

Triangle Tech will notify the Complainant and the Respondent in writing of the outcome of the formal investigation process, the rationale, and any sanctions. The Respondent will be informed of the date by which any sanction must be satisfied, and the consequences of failure to satisfy the requirements.

IX. Outcome Notification

Every effort will be made to ensure that both the Complainant and Respondent are updated during the investigation and process. Both the Complainant and Respondent will be notified, in writing, at the following times:

Conclusion of the Investigation

- After the conclusion of the investigation – both parties will be provided the opportunity to review the investigative materials.

Administrative Resolution

- The Respondent accepts responsibility for being “in violation”.
- The sanctions determined by the Adjudicator (or designee) after the Respondent accepts responsibility.

Adjudication

- The Adjudicator’s finding of “in violation” or “not in violation”.
- If the finding is “in violation” the sanctions determined by the Adjudicator (or designee).

Appeals Process

- If an appeal has been filed by either party at any point in the outcome phase.
- The final resolution of the appeals process, if applicable.

X. Education and Prevention

Triangle Tech’s goal is to eliminate gender-based and sexual discrimination and harassment, including dating violence, domestic violence, sexual assault, sexual exploitation, and stalking through education, training, clear policies, and serious consequences for violations of these policies. Triangle Tech’s Title IX Coordinator has responsibility for ensuring compliance with the institution’s policies in this regard.

Triangle Tech’s primary prevention and awareness program to prevent dating violence, domestic violence, sexual assault, and stalking, “Sexual Violence Primary Prevention and Awareness”, is issued to all incoming students and new employees. Throughout the year, Triangle Tech will provide ongoing prevention and awareness campaigns to bring awareness to our policies and what each Triangle Tech community member can do to play their part. We encourage you to read these materials carefully and to participate in on-site education events.

Additional material and resources are available through the School Director and/or the Assistant Director. If you have questions about any of these policies, you are encouraged to talk to Triangle Tech’s Title IX Coordinator.

XI. Training

Triangle Tech’s Title IX Coordinator, Title IX Investigator(s), Decision-Makers, Appeal Officer, and all members of the Investigative Teams will receive annual training on the issues related to sexual harassment, domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability to ensure compliance on an ongoing basis.

Title IX Specific Training

Triangle Tech’s Title IX Coordinator, Title IX Investigator(s), Decision-Makers, Appeal Officer, and all members of the Investigative Teams will receive annual training on the issues related to sexual harassment as defined by Title IX regulations.,

Title IX Coordinator, investigator, decision-maker, or appeals officers must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Title IX Coordinators, investigators, decision-makers, and appeals officials receive training on the definition of sexual harassment in §106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Triangle Tech will ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Triangle Tech will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and appeals officials must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

XII. The Jeanne Clery Act, Annual Security Report, Timely Warnings, and Emergency Notification

- A. **Jeanne Clery Act** - The Jeanne Clery Act applies to institutions of higher education and is confined to campus crimes, which occur on campus, adjacent to campus, or off-campus when associated with the institution. The Clery Act was expanded in 2013 with the reauthorization of the Violence Against Women Act (VAWA); accordingly, the Campus SaVE Act is now a part of institutions' Clery obligations.
- B. **Annual Security Report** - Each year, the School Director obtains the crime statistics for crimes committed over the last 3 years that occurs on-campus property, adjacent to campus property, or off-campus property when associated with the institution are obtained from the local and/or state police. These crime statistics are then released in the Annual Security Report and provided to Triangle Tech employees and students by October 1st. Several crimes must be listed, which include:
- **Stalking:** ongoing conduct that could cause a reasonable person to fear for the safety of themselves or others, or suffer emotional distress (e.g., following, monitoring, threatening, communicating to or about the victim, or interfering with a victim's property)
 - **Intimidation:** words or conduct that places the victim in reasonable fear of bodily harm (does not include use of a weapon, which is a different crime under Clery)
 - **Dating Violence:** threats or actual sexual or physical abuse in a dating relationship
 - **Domestic Violence:** crime of violence committed by former spouse, cohabiting partner, or someone with whom you share a child
 - **Sexual Assault:** rape (oral, anal or vaginal), fondling, incest, or statutory rape
 - **Hate Crimes:** any crime motivated by perpetrator bias against the victim based on race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability (whether actual or perceived)
 - **Criminal Offenses and Arrests and Referrals for Disciplinary Action**
- C. **Timely Warnings** - Whenever there is a campus crime that presents an *ongoing threat to the campus community*, Triangle Tech must provide a timely warning to the campus community with information to prevent similar crimes. The warning withholds identifying information about any victims, such as the name of the victim.
- D. **Emergency Notification** - Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the student or employees on Triangle Tech's campus, the school will issue an emergency notification.

XIII. Violation on Non-Title IX Conduct Policies

Any violation of Triangle Tech’s employee or student conduct policies that do not fall within the purview of Title IX Sexual Harassment will be investigated by the appropriate school official(s) in accordance with established Triangle Tech Non-Title IX policies and procedures.

REFERENCES:

Electronic Code of Federal Regulations

Title 34: Education

PART 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart D—Discrimination on the Basis of Sex in Education Programs or Activities Prohibited

§106.44 Recipient's response to sexual harassment

https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=35fe5d11d98ce0b60d31fec157050a8f&mc=true&n=sp34.1.106.d&r=SUBPART&ty=HTML#se34.1.106_144

§106.45 Grievance process for formal complaints of sexual harassment.

https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=35fe5d11d98ce0b60d31fec157050a8f&mc=true&n=sp34.1.106.d&r=SUBPART&ty=HTML#se34.1.106_145
