

## Sexual Misconduct Policy

This policy pertains to all students and staff regardless of sexual orientation, gender and identity. The Academies will not tolerate any type of sexual misconduct at any time on or off campus, regardless if it involves a student, employee, or any person the victim may have come in contact with. The academies encourage victims of sexual violence to talk to somebody about what happened so that the victim can get the support they need, and so the Academies can respond appropriately.

If such incident occurs the Academies are prepared to promptly and thoroughly investigate such conduct and to take appropriate disciplinary action in accordance with the results of the investigation. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation.

### Reporting and Confidentiality Disclosing Sexual Violence

If you are a victim of sexual misconduct help is provided by the academies. You may confide in any of our staff members, we have designated Title IX coordinators. Should you seek out a "Responsible Employee" please know that it is their duty to report any information to a Title IX Coordinator.

Along with assistance from academy staff members there are organizations within the county you reside in.

Butler- Butler County- Victim Outreach International Center (VOICE) 724-283-8700

Kittanning- Armstrong County- Helping All Victims In Need (HAVIN) 724-548-8888

New Castle- Lawrence County- Crisis Shelter of Lawrence County 724-652-9036

#### **For all emergencies in all areas call 911**

A "responsible employee" is an academy staff member who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the academy to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and the academy will need to determine what happened including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

If the victim wants to tell the responsible employee or Title IX Coordinator what happened but also maintain confidentiality, the employee should tell the victim that the academy will consider the request, but cannot guarantee that it will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the coordinator of the victim's request for confidentiality.

All information will be reviewed and all confidential matters will be kept on a case by case basis.

The presence of one or more of these factors would lead the academy to investigate and, if appropriate, pursue disciplinary action.

The increased risk the alleged perpetrator will commit additional acts of sexual or other violence such as:

- whether there has been other sexual violence complaints about the same alleged perpetrator
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating history of violence
- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others
- whether the sexual violence was committed by multiple perpetrators
- whether the sexual violence was perpetrated with a weapon
- whether the victim is a minor
- whether the academy possesses other means to obtain relevant evidence of the sexual violence ( e.g., security cameras, or personnel, physical evidence)
- whether the victim's report reveals a pattern of perpetration ( e.g., via illicit use of drugs or alcohol ) at a given location or by a particular group.

If none of these factors is present, the academy will likely respect the victim's request for confidentiality.

## Reporting Complaints and Investigation

### Sexual Violence Reporting

Reporting should happen as soon as possible in order to preserve any evidence as proof of the crime. If the student would like to contact local police, the school personnel will assist as long as the student requires it. When the offense is reported, the school personnel will provide the number for the nearest rape crisis center that can provide information on all of the services the student may need. If the student would like assistance contacting the rape crisis center school personnel will assist. If an ambulance is required, the school will make that phone call. The school personnel will also contact anyone the student requests. If the student is not able to make the request, the school personnel will contact the student's emergency contact listed in the student's file. Disciplinary procedures for the alleged sexual assault will be developed based on the outcome of the investigation by police. If police are not called, the school administration will interview the alleged suspect to determine both sides of the situation. Once the interviews have been complete proper punishment will be determined that may include up to and including termination from school. Any student who perpetrates any violent crime against another student would be immediately suspended and charges filed with police.

### Sexual Harassment Reporting

The employee or student should file a complaint alleging discrimination or harassment by submitting a brief written statement of the allegations. The statement will be forwarded as well to the subject of the complaint who may wish to submit a response. All allegations will be investigated by the Title IX Coordinators. The Title IX Coordinator shall consider the findings in recommendation and shall determine whether disciplinary action is appropriate. These options may include voluntary training/counseling, development of a remediation plan, or formal discipline. The Title IX Coordinator shall inform the complainant and the respondent of the decision. If the coordinator determines that there should be no disciplinary action, the complainant may appeal in writing to the owner. Retaliation by, for, or against any participants or witnesses is strictly prohibited.

## Grievance/Adjudication Procedures

The academies encourage victims to put the offender on notice that his/her offensive conduct or behavior is unwelcome and should be stopped prior to bringing a complaint, but the school will not refuse to investigate a complaint on the grounds that the victim failed to previously discuss the matter with the accused. All information regarding the investigation or complaints will be kept confidentially to the greatest extent practical and appropriate under the circumstances.

Individuals found to have engaged in misconduct will be subject to discipline, up to and including termination. A written finding of the action will be distributed to all parties affected when a decision is made.

During an investigation and any hearing and decision making process the school will determine whether or not the conduct occurred and if the conduct occurred, what actions the school will take to end the sexual violence, eliminate the hostile environment, and prevent its recurrence, which may include posing sanctions on the perpetrator and providing remedies for the complainant and broader student population.

Because the academies do not have their own law enforcement we rely on the local police in cases where forensic evidence is needed.

Please be advised Title IX Coordinators are not expected to be a lawyer or police officer the investigative and adjudication aspects of VAWA will need to be done in conjunction with local law enforcement and/or local domestic or sexual violence crisis centers. Students are not required to report any victimization to the academies, police, or local crisis center. This is a statement explaining should a student report a victimization to the academies, investigative and adjudication will be to the best of the Title IX Coordinator's abilities and those abilities do not include those that can better be performed by professionals with those skills. Any student who wants a properly done investigation and adjudication for criminal purposes should know this information.

The adjudicators would be the Title IX Coordinator and all responsible employees as listed in this document only if local law enforcement was not brought in. If local enforcement is brought in, that would determine who the adjudicators would be.

The school will enlist the services of local law enforcement and domestic/sexual violence crisis centers to assist with the determination of what type of incident occurred.

The persons who may attend and/or participate in the adjudication process will be the victim, the perpetrator, and any witnesses deemed appropriate by the Title IX Coordinator. The extent of the participation will depend on the type of incident. Both parties will receive notice of any hearing to be held. Hearings are not open to the public.

The academies must give the complainant any rights that it gives to the perpetrator. A balanced and fair process that provides the same opportunities to both parties will lead to sound and supportable decisions.

Specifically:

Throughout the investigation, the parties must have an equal opportunity to present relevant witnesses and other evidence.

The academy must use preponderance-of-the-evidence ( i.e., more likely than not) standard in any Title IX proceedings, including any fact finding and hearings.

If the school permits one party to have lawyers or other advisors at any stage of the proceedings, it must do so equally

for both parties. Any school imposed restrictions on the ability of lawyers or other advisors to speak or otherwise participate in the proceedings must also apply equally.

If the school permits one party to submit third party expert testimony, it must do so equally for both parties.

If the school provides for an appeal, it must do so equally for both parties.

Both parties must be notified, in writing, of the outcome of both the complaint and any appeal.

Witness and/or evidence will be approved by the Title IX Coordinator prior to any hearing. Evidence that may not be presented is, but not limited to, questions or evidence about the victim's prior sexual conduct with anyone other than the alleged perpetrator. 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. Once the sanctions have been determined, remedies or accommodations for the victim if needed will be discussed with the victim to determine the best course of action. Both parties will be informed of the results of the adjudication process in writing.

The academies will make every attempt to make the complainants protected pending the final outcome of an investigation, this may include academic accommodations, change of classes, withdraw from/retake a class without penalty or a transfer to one of our other schools.

### Appeals

Complainant and respondents are able to challenge the outcome of a proceeding. The appeal must be decided by an individual not previously involved in the investigation or hearing process. At a minimum, the appeal process must allow challenges at the bases of procedural irregularities, new evidence, or conflict of interest or bias on the part of any school official taking part in the grievance proceeding.

### Prevention and Education

Educational information is provided through video, written materials, and outside speakers on rape prevention, acquaintance rape, and forcible sex offenses. The academies staff and students will receive the required VAWA training yearly as required by the Campus Sexual Violence Elimination Act.

### Definitions

Harassment- conduct that is severe, pervasive, and objectively offensive.

Sex-Based Harassment- includes sexual harassment and gender-based harassment.

Sexual Harassment- unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work or learning situation, the creation of relationships of unequal power and/or the elements of coercion, such as request for sexual favors as a criterion for granting work, study, or grading benefits. Sexual harassment may also involve relationships among peers of repeated sexual advances or demeaning verbal behavior resulting in a harmful effect on a person's ability to study or work in the academic setting. In addition, third parties may submit claims if a sexual relationship unfairly confers preferential treatment to participants in the relationship.

Gender-Based Harassment- unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

Unwelcome Conduct- name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Can involve persons of the same or opposite sex.

Hostile Environment- exists when sex based harassment is sufficiently serious to deny or limit the student's ability to participate in or benefit from the school's programs or activities. A hostile environment can be created by anyone involved in a school's program or activity.

Sexual Assault- actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to: intentional touching of another person's intimate parts without that person's consent; or other intentional sexual contact with another person without that person's consent; or coercing, forcing or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any other body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

Consent- must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets the standard, or being asleep or unconscious.

Sexual Exploitation- occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples: Prostituting, recording and distributing of images or audio of another person's sexual activity, intimate body parts, or nakedness.

Domestic Violence- violent or aggressive behavior within the home, typically involving the violent abuse of a spouse or partner.

Dating Violence- controlling, abusive, and aggressive behavior in a romantic relationship. It can include verbal, emotional, physical, or sexual abuse or a combination.

Stalking- to pursue or track a person out of obsession or derangement.