



THE WRIGHT INSTITUTE

ANNUAL CAMPUS SAFETY AND SECURITY REPORT

2024-2025

TABLE OF CONTENTS

INTRODUCTION..... 1

WHAT TO DO IN CASE OF AN EMERGENCY 2

CAMPUS SAFETY..... 3

REPORT EMERGENCIES AND CRIMES..... 3

CAMPUS SECURITY AUTHORITIES 4

FEDERAL LAW – CLERY ACT (20 U.S.C. SECTION 1092(F)) 4

CSA RESPONSIBILITIES..... 4

EMERGENCY NOTIFICATIONS 6

TIMELY WARNING 7

EVACUATION PROCEDURES 7

GENERAL EVACUATION PROCEDURES..... 7

FACILITY SECURITY AND ACCESS 8

CRIME PREVENTION 8

VIOLENCE PREVENTION 9

REACTING TO THE THREAT OF VIOLENCE..... 10

IF AN ACTIVE THREAT IS NEARBY 10

INFORMATION ON REGISTERED SEX OFFENDERS 11

ALCOHOL AND CONTROLLED SUBSTANCES..... 12

PROHIBITED SEXUAL CONDUCT 13

SEXUAL ASSAULT TRAINING AND EDUCATION..... 47

FURTHER INFORMATION..... 47

PREPARING THE ANNUAL DISCLOSURE OF CRIME REPORT STATISTICS 48

CRIME STATISTICS 49

EVACUATION ROUTES AND EVACUATION ASSEMBLY AREAS 52

INTRODUCTION

The Congress and Department of Education have established requirements for campus crime policies and reporting. The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), codified at 20 U.S.C. 1092(f) as part of the Higher Education Act of 1965 (HEA), and the Higher Education Opportunity Act (HEOA) of 2008 require that the Wright Institute disclose policy information and crime statistics as part of a campus security report published annually.

This report serves as the campus security report for the Wright Institute for the academic year for our campus locations and our community training clinic:

- 2728 Durant Avenue, Berkeley, CA 94704
- 1000 Dwight Way, Berkeley, CA 94710
- 1918 University Avenue, Berkeley, CA

WHAT TO DO IN CASE OF AN EMERGENCY

For all emergencies dial 9-1-1

And as soon as possible, the Wright Institute **reception** at (510) 841-9230

Non-emergency reporting:

(510) 981-5900 Berkeley Police & Fire Department

(510) 841-9230 ex.118 Wright Institute Onsite Safety Officer

- *If reporting a crime or suspicious activity, be prepared to give the following information:*
- *Your name*
- *Location of the incident*
- *Nature of the incident / Is it still in progress?*
- *Description of the people involved (sex, physical characteristics, clothing / Are they still at the location?)*
- *Description of any vehicles involved (type, license number, color / Last known location?)*

Before an emergency: take the time to learn evacuation routes and locations of fire extinguishers and first aid kits. Be prepared to assist those who may be injured or disabled. In the case of all emergencies, do not use the elevator. Listed below are the specific actions that should be taken in the case of each emergency.

Earthquake: Take cover under sturdy furniture, protect your head, and avoid windows, bookcases or heavy objects that might fall. Stay under cover until the shaking stops, then evacuate the building until damage can be assessed. Watch for falling plaster, bricks, and other debris. Once outside, stay away from trees, power lines, buildings or other objects that might fall. Aftershocks should be expected after a major earthquake and can be as powerful as the initial shock.

Fire: Take all fire alarms seriously. Evacuate the building calmly, helping those who need assistance. Test closed doors before opening them. If they are hot, do not open them - use an alternate route. Do not use the elevator.

Flood: Determine whether to shelter-in-place or evacuate the building. If evacuation is called for move outside to a designated shelter, and if possible, report to the emergency assembly area. Avoid all moving water and any fallen electrical wires.

Hostile Intruder: Remain calm and do not engage the intruder. If safely possible, try to escape the area quickly and quietly. If attempting to escape, do not carry phones or other objects in your hands. As you move through open areas keep your hands elevated with open palms visible, especially if encountering responding law enforcement officers. Follow all instruction officers may give you. If you cannot safely exit, seek shelter in a room where the doors can be locked or barricaded securely. Close and lock windows, lower blinds, remain out of sight. Once secured

inside, take cover behind concrete walls, thick desks, filing cabinets, etc. Remain quiet and turn off cell phone ringers. Only one person from the room should call police at 911 and tell them where you are, where the intruder is and the condition of others. Follow their instructions. If you cannot speak, leave the line open so the dispatcher can hear what is going on. Assist others if they are injured. Do not respond to any unfamiliar voice commands or open the door until you can be sure that it is coming from a police officer.

Bomb Threat: If you receive a bomb threat by telephone, try to get as much information as possible. Ask for the exact location of the bomb, the expected time of explosion, and the type of bomb. Listen carefully to the caller's voice and any background noises. Immediately report the threat to campus officials and the Berkeley Police Department. If an evacuation is ordered, take personal belongings as you leave. If time permits, check surroundings for, but do not touch, suspicious or unfamiliar items. Note their locations and report them to campus officials. **DO NOT TURN ON OR OFF** any light switches, computers, or other electrical equipment. Leave doors and windows as they are.

CAMPUS SAFETY

The Wright Institute does not have campus law enforcement or trained security staff. The Wright Institute has front desk staff in the reception areas generally through the day and evening hours while classes are in process. No employee of the Wright Institute has, within the scope of his or her employment, police powers or the authority to arrest individuals. The Wright Institute urges persons affiliated with the school to make use of the extensive safety resources at the City of Berkeley Police and Fire Departments and the University of California at Berkeley. The Institute encourages students and employees to be responsible for their own safety and the security of others. You can do this by informing yourself about safety procedures and crime avoidance tips available in this report and from the City of Berkeley and the University of California and by signing up for Nixle messages available through local law enforcement agencies. You may access this information at the following websites: City of Berkeley Police Department:

<https://www.ci.berkeley.ca.us/police/>

REPORT EMERGENCIES AND CRIMES

Members of the Wright Institute community, or any other person authorized to be present on the campus, should report any suspected criminal activity or other emergency that poses a threat to life or property.

- If immediate danger to life or property exists, **dial 911** from a land line or **510/981-5911** from a cell phone for the Berkeley Police Department.

- If immediate danger is not present, call the Berkeley Police Department at 510-981-5900 to report criminal activity. In all cases, report the incident to the Dean of Students and, Safety Officer, Virginia Morgan, or any other senior administrator. You may contact the front desk to fill out a Crime Incident Report. If you wish to make an anonymous report, you may anonymously call the Safety Office (Virginia Morgan) or the Vice President for Finance and Administrative Affairs (Tricia O'Reilly) at (510) 841-9230.

Senior Administrators and Safety Officers will make sure every report received under this policy is investigated and take appropriate action to remedy the problem. The Wright Institute urges that all crimes be reported. Since the Institute does not have a campus law enforcement staff, a report should be made to the City of Berkeley Police Department. After such a report is made, the crime should be reported to the Safety Officer or VPFAA. Incidents that may or may not be crimes may also be reported to "campus security authorities", in addition to the Safety Officer or VPFAA.

Campus Security Authorities

Campus Security Authorities (CSAs) are those with responsibility for controlling access to buildings or facilities and officials having significant responsibility for student and campus activities. Licensed counselors providing client related confidential counsel are exempt from reporting requirements when they are acting as such. The Institute encourages counselors if and when they deem it appropriate, to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis for inclusion in the Campus Security Report. The Institute maintains records of all crime and other security information for the Wright community. The VPFAA, with the support of the Safety Officers, is responsible for gathering, recording and disseminating this information and for decisions regarding the content, time and manner of distribution. This includes collecting and preparing the Annual Security Report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and the Campus Crime.

Federal Law – Clery Act (20 U.S.C. Section 1092(f))

Any CSA who becomes aware of a Clery-reportable crime, as noted below, that occurred on Institute facilities or property owned or controlled by the Institute (including off-site facilities and short-term "control" such as the rental of a room during an Institute sponsored event) must report the incident to the VPFAA who serves as the Clery Compliance Coordinator for the purpose of statistical reporting.

CSA Responsibilities

Campus Security Authorities have reporting responsibilities under both federal and state laws. The Institute expects CSA's to be familiar with their obligations and to comply with these federal and state laws. The following pages provide greater detail about these legal obligations. CSA's are encouraged to review the actual laws for additional information and guidance.

The Clery reportable crimes are:

- Murder/manslaughter
- Rape
- Statutory rape
- Incest
- Fondling
- Robbery
- Aggravated Assault
- Domestic violence
- Dating violence
- Burglary
- Vehicle theft
- Arson
- Stalking
- Hate crimes
- Alcohol laws violations
- Drug laws violations
- Weapons laws violations

The crimes that the California Education code requires to be reported to the Clery Compliance Coordinator are:

- Crimes that involve violence
- Hate violence
- Theft
- Destruction of property
- Illegal drugs
- Alcohol intoxication (It is not illegal to be intoxicated inside a private residence; it is illegal to be intoxicated in a public space.)

The state also requires that noncriminal acts of hate violence are reported in the same manner.

There is no specified time frame for notifying the VPFAA/Clery Compliance Coordinator; however, the Institute encourages individuals to notify the Clery Compliance Coordinator in a timely manner and as soon as practicably possible so that a determination can be made as to whether it will be necessary or advisable to send a Timely Warning about the crime.

CSA's are not expected to investigate what has been told to them. For purposes of Clery compliance, a CSA does not need to provide the names of the involved persons to the Clery Compliance Coordinator.

Include the following information when notifying the Coordinator about a Clery-reportable crime:

- Type of crime (preferably with sufficient information to properly classify the incident)
- The location of the incident (as specific as possible)
- The date and time of the incident
- The date and time the incident was reported to the CSA

EMERGENCY NOTIFICATIONS

The Wright Institute maintains a cell-phone texting and email alerting and warning service designed to contact faculty, students, staff and other interested parties to warn of situations on or near campus that may pose an immediate threat or represents a situation necessitating an emergency alert. The alert system provides emergency, urgent and important information and instructions in other emergencies as determined necessary.

Members of the campus community must keep their current text capable phone number up to date in the WI Portal. Wright Institute email addresses are also used to email blast emergency information. The Wright will activate this system in the event of an imminent threat to safety, in a serious emergency or on the occasion of an urgent situation. All personal information remains private and is not accessed by the Wright or others for any reason other than alerting you.

The Wright tests this system bi-annually to ensure that it is functioning properly. The Building Emergency Coordinator (BEC) tests the alert system. In the event of an emergency communication, the Office of the President will direct the onsite Building Emergency Coordinator of the approval to disseminate an emergency notice. The BEC will determine the content of the emergency communication using the prepared statements and initiate the notification system. If the Wright initiates the emergency notification system, those current members who have a working text phone number in their WI Portal account and a WI email address will be notified. Emergency messages can also be sent via the portal in the **Announcement** section.

The 2728 Durant campus Primary Building Emergency Coordinator is Jason Strauss. Documents of system tests and emergency response training events are maintained in this office.

At the 1000 Dwight campus, May Zahm is the Primary Building Emergency Coordinator.

The Director of Clinical services has oversight for emergency response at the University clinics.

TIMELY WARNING

As required by federal law (20 U.S.C. § 1092(f)), the Institute will issue a Timely Warning to the entire school community when a Clery-reportable crime occurs on campus or in an area surrounding the campus, and the President (or designee), other designated officials, determines that the situation represents a serious or continuing threat to the campus community. The decision to issue a Timely Warning will be made on a case-by-case basis. Persons authorized to initiate and send Timely Warnings will do so in a timely manner. The level of detail included in a Timely Warning will vary depending on the type of crime. The message will include information to aid in the prevention of similar occurrences. The name(s) of a victim(s) will not be published in the Timely Warning. Where possible, information that might identify the victim will also be excluded. Other details may be excluded from a Timely Warning if, in the professional judgment of responsible authorities, the information would compromise law enforcement's efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency. Timely Warnings will most often be distributed via email; however, additional messaging methods may be employed. Timely warnings may also be distributed via the Emergency Notifications listed previously.

The decision to issue a Timely Warning for sex offenses involving persons who are acquaintances will be made on a case-by-case basis. Factors which will be considered when making this decision include: the level of force and violence used to commit the crime, the potential use of a drug to commit the crime, and the existence of multiple crimes of a similar nature occurring in close proximity, either in time or location. The President or the Vice President of Academic Affairs are responsible for determining if a Timely Warning will be issued for non-stranger sexual assaults; either official or their designees may make this determination. Consultation with Institute staff persons may occur on a need-to know basis.

Anyone with information warranting a timely warning should report the circumstances to the Durant or Dwight receptionist for immediate delivery to the Office of the President either by phone at (510) 841-9230 or in person at the Institute.

EVACUATION PROCEDURES

General Evacuation Procedures

Upon activation of the fire alarm system or upon receiving an emergency notification advising to evacuate, all persons shall immediately evacuate the building and meet at the predetermined Emergency Assembly Point (EAP), unless directed to another location or unless it is apparent that the EAP is not a safe place to gather. While evacuating, remain vigilant for dangerous or criminal activity, and report such observations to the police, as soon as possible. **Familiarize yourself**

with the evacuation procedures for any building; also locate the nearest exit and fire extinguishers.

Staff trained in emergency response roles will do their best to guide students and faculty from the facility safely. When evacuating the facility or classroom, try to be aware of who your classmates are or your students. This will help emergency responders to account for all community members when arriving at the Emergency Assembly Area. Wright Institute administrative and program staff participate in semi-annual emergency response and evacuation procedures such as fire, earthquake or an event that requires sheltering in place. The last training exercise occurred in April of 2023 and future training exercises are planned for fall of 2024. A report of training exercises can be obtained by contacting the primary BEC at the Durant campus.

FACILITY SECURITY AND ACCESS

The Durant and Dwight facilities are monitored with video surveillance. Access to Wright Institute premises is open to students, employees, guests, and visitors. Private office spaces are limited to the official occupant of that space and designated employees, students, guests, clients and/or invitees. All areas of the Wright Institute's 2728 campus are closed between the hours of 9:00 p.m. and 8:00 a.m. weekdays unless special arrangements are made with the facilities coordinator. 1000 Dwight Way hours are open according to schedule of classes. Clinic access is dependent upon clinic session hours and training hours. Keys and access cards allowing entry to buildings and offices are issued by the onsite office manager to full-time personnel only. The site office managers maintain a list of persons holding keys and access cards. Unauthorized copying or lending to unauthorized persons, of keys is forbidden and if violated will result in loss of privileges.

CRIME PREVENTION

See Something, Say Something!

Report crimes, suspicious activity or behavior to the police immediately, including ANY activity or behavior that poses an imminent threat to persons or property.

Lock It or Lose It

- Lock your doors and windows anytime you leave your office or residences, especially on the first floor.
- Never prop open a locked door.
- Don't allow "piggybacking" (when someone unknown to you tries to enter a secured building behind you).
- Immediately report broken or malfunctioning locks to the front desk, office manager or clinic director

- Lock your vehicle and remove valuables. Laptops, testing materials, books are commonly stolen from automobiles
- Avoid becoming a target of thieves by securing items commonly stolen. Secure laptops and cell phones. Never leave laptops or other mobile devices unattended.
- Secure bicycles by the frame to the bicycle racks with a U-lock.

Prevent Identity Theft

- Protect your Social Security number and card.
- Inspect your credit report and financial statements regularly, and shred anything with your personal information on it before disposal.
- Never click on links in unsolicited emails.
- Utilize Federal Trade Commission and IRS resources at ftc.gov/bcp/edu/microsites/idtheft. • If you have been the victim of identity theft, report it to your local law enforcement agency and seek assistance at identitytheftcouncil.org.

Online Security

Notify the IT staff or Training Director if a computer containing any sensitive or confidential information has been lost, stolen, or compromised. Incidents involving theft of property or information should also be reported to the police

VIOLENCE PREVENTION

The Institute will not tolerate violence or threats of violence anywhere on our campuses or in connection with Institute sponsored events. Persons who become aware of situations which pose an imminent threat to the safety of the community or one of its members, including self-harm, should call 9-1-1 or 9-9-1-1 from a Institute phone immediately. Persons who become aware of situations which might pose a threat to the safety of the community or one of its members are encouraged to consult with the VP of Academic Affairs, the Dean of Students/Safety Officer, Director of Clinical Services or Counseling Program Director.

Behavioral Expectations

Behaviors do not have to violate the law or school policies to be worrisome. Violence may be preceded by behaviors that indicate an increasingly negative emotional state. The behaviors listed on the have been associated with a heightened risk for violence and should prompt a community member to notify a supervisor, a member of senior administration, or law enforcement by calling 9-1-1 or 9-9-1-1 from an Institute phone. These lists are not intended to be comprehensive.

Imminently Dangerous ► Call 9-1-1 or 9-9-1-1

- Statements, written or verbalized, about harming oneself or others, especially if specific plans are mentioned
- Acquisition of weapons in the context of concerning or alarming behaviors listed below

Alarming Behavior ► Notify a supervisor

- Verbally abusive of peers; disruptive or bizarre behavior
- Defiant of authority
- Belief that rules do not or should not apply to them
- Sense of victimization or paranoia
- Change in appearance, declining hygiene
- Sending disturbing messages (e.g., texts, emails, or letters)
- Coursework content that is disturbing
- Statements supporting the use of violence to resolve issues
- General obsession with violence or guns
- Distancing oneself from family, friends, or peers (suddenly or gradually)
- Vandalism of property out of revenge
- Stalking

Concerning Behavior ► Notify a supervisor

- Consistent interpersonal conflict
- Irritability or moodiness
- An inability or unwillingness to abide by policies or rules
- Increase in alcohol or drug use
- Social isolation and unexplained absenteeism
- Anger, intimidation, and bullying, especially without personal accountability or remorse
- Inappropriate reasoning, impaired judgment

REACTING TO THE THREAT OF VIOLENCE

A modest amount of planning and preparation can go a long way in the unlikely event that you are faced with an active threat, whether the person or persons are unarmed or armed with a gun, knife, or any weapon. Maintaining awareness of your surroundings will give you optimal time to put those preparations into action. The following information is provided for your consideration and encompasses some general best practices. Since varying circumstances could require different responses, it will be up to you to familiarize yourself with some of your options in advance, including alternate escape routes, and to determine the best course of action for your safety.

If an active threat is nearby ► Flee the area, if it is safe to do so

- Don't take time to gather your belongings.

- Quickly put distance and buildings between you and the threat. Leave the area.
- If you have information that will assist the police, such as the suspect description or location, call 9-1-1 or 9-9-1-1- from an Institute phone.

If escape is not an option ► Shelter in place and take steps to increase your safety, and if possible, others around you

- Lock and barricade doors. Seek cover (with others, if possible) by placing as much material as possible between you and the threat. Even if you can't prevent the door from being opened, block entry as best as you can.
- Turn off lights (to make the area appear unoccupied).
- Close blinds and/or block windows.
- Keep other occupants calm, quiet, and out of sight.
- Silence cell phones (turn off vibration as well) but do not turn them completely off.
- As soon as it is safe to do so, notify law enforcement by calling 9-1-1 or 9-9-1-1 from a campus phone.
- Remain concealed until the threat has passed or you have been advised by law enforcement that you can exit.
- Do not sound the fire alarms unless there is a fire. Evacuation during an active threat event could place people in harm's way.

If confronted by an attacker ► *Do everything in your power to overcome the threat.*

- Fight back and do whatever it takes to survive.
- Attack aggressively and in coordination with others, when possible.
- Throw objects or improvise other weapons (backpacks or bags, fire extinguisher, office equipment, hot liquids keys, pens, etc.).
- Do not approach emergency responders; let them come to you.
- Raise both your hands over your head and follow the directions of law enforcement. Emergency responders may not be able to distinguish between victims and the person posing the threat.

INFORMATION ON REGISTERED SEX OFFENDERS

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, the Wright Institute is providing a link to the California Department of Justice's Internet website, which lists designated registered sex offenders in California. The Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a

State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. The general public can view all sex offender registration information at the Megan's law website at www.meganslaw.ca.gov. Unlawful use of the information for purposes of intimidating or harassing another is prohibited, and willful violation shall be punishable by law.

ALCOHOL AND CONTROLLED SUBSTANCES

The Wright Institute prohibits the unlawful possession, use, manufacture, or distribution of alcohol or controlled substances by students and employees in buildings, facilities, grounds, or property controlled by the Wright Institute, or as a part of Wright Institute activities. Controlled substances include, but are not limited to, marijuana, cocaine, cocaine derivatives, heroin, amphetamines, barbiturates, LSD and other hallucinogens, PCP, tranquilizers, and inhalants.

The Wright Institute is committed to a program to prevent the illegal or abusive use of controlled substances and/or alcohol by its students and employees. Any student or employee of the Wright Institute found on Wright Institute property or at a Wright Institute-sponsored event to be abusing alcohol or using, possessing, manufacturing, or distributing controlled substances or alcohol in violation of the law shall be subject to disciplinary action in accordance with applicable policies of the state and the Wright Institute. Such disciplinary action includes, but is not necessarily limited to, expulsion, termination of employment, referral for prosecution, and/or completion of an appropriate substance abuse assistance or rehabilitation program.

The educational, counseling and referral services of the Wright Institute Clinics are available for those who are troubled by their own or others' use of drugs, legal or illicit. Seeking confidential help from or being referred to these services will not, by itself, result in disciplinary action; individual privacy will be respected in the counseling process. For more information regarding substance abuse, health effects, and laws governing alcohol and controlled substances see Appendices of the Clinical Psychology Program Student Handbook or the Counseling Psychology Program Student Handbook.

The Wright Institute receives federal funding for student financial aid. As such, the Institute must comply with federal law, including all current federal drug laws. Therefore, even though California has legalized marijuana for recreational use for individuals over the age of 21, the possession, use, storage and cultivation of marijuana is prohibited on Wright Institute property for all faculty, staff and students.

PROHIBITED SEXUAL CONDUCT

The Wright Institute is committed to providing an academic and work environment free of unlawful sex discrimination, including sex-based harassment under Title IX. This Policy protects students, employees, applicants for admission or employment, and other individuals participating or attempting to participate in the Institute's education program or activity.

The Wright Institute encourages members of the Institute community to report sex discrimination including sex-based harassment. This procedure only applies to conduct defined as sex discrimination under Title IX and applicable federal regulations and that meet Title IX jurisdictional requirements. The Institute will respond to student sex discrimination including sex-based harassment that fall outside that definition and outside the jurisdiction of the Title IX federal regulations using the Harassment, Discrimination, and Retaliation Prevention Policy set forth in Section D2, below, if such conduct is in violation of that separate Policy.

In implementing the Grievance Procedures discussed below, the Institute will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

A. Title IX Coordinator

Questions concerning Title IX may be referred to the Institute Title IX Coordinator whose contact information is below.

Tricia O'Reilly
2728 Durant Ave.
Berkeley, California 94704
841-9230, ext. 120
toreilly@wi.edu

The Title IX Coordinator is required to respond to reports of sex discrimination including sex-based harassment. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

A report of sex discrimination including sex-based harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more

[1] This policy and the grievance procedures are effective August 1, 2024. Any allegation that predates August 1, 2024, will be processed under the policy and procedure in place at that time.

fully below. However, the Title IX Coordinator will evaluate a Complaint to determine whether to investigate a Complaint pursuant to these procedures.

B. Scope

These procedures apply to all students, employees, applicants for admission or employment, and other individuals participating or attempting to participate in the Institute's education program or activity who experience prohibited sex discrimination, including sex-based harassment. These procedures apply to sex discrimination occurring under the Institute's education programs or activities in the United States, including buildings owned or controlled by a student organization officially recognized by the Institute. These procedures also apply to conduct that is subject to the Institute's disciplinary authority or conduct that creates a hostile environment even when some of the conduct allegedly occurred outside the Institute's education programs or activities or outside the United States. The Institute has other policies and procedures that may be applicable if the conduct does not meet the definition of prohibited sex discrimination including sex-based harassment under these procedures.

C. Definitions

Advisor: An individual who provides guidance to the Parties during the Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties described below. Throughout the Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties, both the Complainant and Respondent have a right to an Advisor of their choice.

The Institute may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties. For the purposes of the Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties, the role of an advisor is limited to the following: the advisor may attend any interview or meeting connected with the grievance procedures, but may not actively participate in interviews or the hearing, if any, and may not provide testimony or argument on behalf of a party. Each party may be accompanied by a support person; thus each Party may be accompanied by a total of two individuals during the Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties.

Parties have the right to consult with an attorney, at his/her/their own expense, at any stage of the grievance processes described below if he/she/they wishes to do so. However, the attorney's role will be the same as that of an advisor or support person. The attorney may not actively participate in the investigation or hearing.

Affirmative Consent: Affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity.

Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. Lack of protest or resistance does not mean consent. Silence does not mean consent. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
- The Complainant was unable to communicate due to a mental or physical condition.

In addition, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

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

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

Day: Calendar day.

Decision-Maker: The person or committee who will make a determination of whether sex discrimination occurred.

Disciplinary sanctions: Consequences imposed on a respondent following a determination under Title IX or its regulations that the Respondent violated the Institute’s prohibition on sex discrimination.

Grievance Process: The fact-finding process from the time of the filing of the Complaint through the final determination, including of an appeal (if any).

Informal Resolution: A complaint resolution agreed to by the Parties and approved by the Title IX Coordinator, or designee, that is reached before a final determination.

Party: The Complainant or Respondent.

Relevant: Related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when the question seeks evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged sex discrimination occurred.

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

Respondent: A Respondent is a person who is alleged to have violated the Institute’s prohibition on sex discrimination.

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

Sex-based harassment under Title IX: A form of sex discrimination. Sex-based harassment includes sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Federal and state law regard sexual harassment to be a form of unlawful discrimination. Federal and state law both apply and provide overlapping definitions with slightly different language.

- Quid pro quo harassment. An employee, agent, or other person authorized by the Institute to provide an aid, benefit, or service under the Institute’s education program or activity explicitly or impliedly conditioning the

provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

- Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe, or pervasive that it limits or denies a person's ability to participate in or benefit from the Institute's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the Complainant's ability to access the Institute's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within the Institute's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in the Institute's education program or activity; or
- Sexual assault. Includes the following:
 - Sex Offenses. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sex offenses include sexual exploitation.
 - Rape (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
 - Sexual Assault with an Object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent

because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

- Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- Incest. Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Dating violence. Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence. Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

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

- Restore or preserve that party's access to the Institute's education program or activity, including measures that are designed to protect the safety of the parties or the Institute's educational environment; or
- Provide support during the Institute's grievance procedures or during an informal resolution process

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. Supportive measures may also include written notification about available services both within the institution and the community and options for available assistance as required by the Clery Act.

D. Employee Reporting Responsibilities

All employees of the Institute are required to promptly notify the Title IX Coordinator when they have information about conduct that may reasonably constitute sex discrimination, including sex-based harassment.

E. Response to Reports of Sex Discrimination, Including Sex-Based Harassment

Upon receiving a report of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee 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, and explain to the Complainant the applicable grievance procedure.

Information Packet for Sexual Assault, Dating or Domestic Violence or Stalking

Upon a receipt of a report of sexual assault, dating violence, domestic violence or stalking, the Institute shall provide an information packet that contains procedures to follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about:

- The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order and the identification and location of witnesses;
- How and to whom the alleged offense should be reported;
- Options regarding law enforcement and campus authorities, including notification of the option to:

- Notify proper law enforcement authorities, including campus safety officers and local police;
- Be assisted by campus authorities in voluntarily notifying law enforcement authorities; and
- Decline to notify such authorities;
- Where applicable, their rights and the Institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
- Information about appropriate and available services both at the institution and in the community including information about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement, as appropriate; and
- Options for, reasonably available assistance and accommodations and how to request them; and
- Information about the participation of victim advocates and other supporting people.

The Institute's information packet for victims of sexual assault, dating violence, domestic violence and stalking is available from the Title IX Coordinator.

Implementation of Supportive Measures

The Institute will offer and coordinate supportive measures as appropriate for the Complainant and Respondent to restore or preserve that person's access to the Institute's education program or activity or provide support during the Institute's grievance procedures or during the informal resolution process.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. The Title IX Coordinator should record and retain records regarding requests and provision of supportive measures in accordance with the requirements set out at Section I Recordkeeping, below.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment.

The Institute shall not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide

the supportive measure or restore or preserve a Party's access to the education program or activity, or as required by law.

The Institute will provide the Party with written notice of the supportive measure and the opportunity for that Party to appeal by seeking modification or reversal of the Institute's decision to provide, deny, modify, or terminate supportive measures applicable to them. The appeal of the supportive measure decision must be received by the Title IX Coordinator within 3 business days of the Party's receipt of notice of supportive measure. An impartial decision maker who was not involved in the challenged supportive measure decision will issue a final decision on the supportive measure appeal within 3 business days of the filing of the appeal. The decision maker will have authority to modify or reverse the supportive measure decision upon a finding that it was inconsistent with the definition of supportive measures.

Emergency Removal

Nothing in this part precludes the Institute from removing a Respondent from the Institute's education program or activity on an emergency basis, provided that the Institute 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 sex discrimination justifies removal, and provides the Respondent with notice and an opportunity to appeal the decision immediately following the removal.

No Contact Order in Student Sex-Based Harassment Matter

When requested by a Complainant or otherwise determined to be appropriate, the Institute shall issue an interim no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the investigation. The Institute shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect a Party's safety or well-being, or to respond to interference with an investigation. If the Institute issues any no-contact directive, the Institute shall provide the Parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action. If the Institute issues a mutual no-contact directive, the Institute shall also provide the Parties with a written justification for the directive.

Administrative Leave

The Institute reserves the right to place a non-student employee Respondent on paid administrative leave during the pendency of a grievance process.

Consolidation of Complaints

The Institute may consolidate Complaints as to allegations of sex discrimination, including sex based harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sex discrimination arise out of the same facts or circumstances (except where such consolidation would violate FERPA). Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “Party,” “Complainant,” or “Respondent” include the plural, as applicable.

Informal Resolution

At its discretion, the Institute may offer the Parties informal resolution in lieu of resolving a Complaint through the Institute’s grievance procedures. Informal resolution may include mediation that does not involve a full investigation and adjudication.

The Institute shall not require the Parties to participate in an informal resolution process. The Institute does not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. The Institute must obtain the Parties’ voluntary, written consent to the informal resolution process.

The Institute must provide the Parties a written notice disclosing:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the grievance procedures;
- That the Parties’ agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming the grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information the Institute will maintain and whether and how it could disclose such information if grievance procedures are initiated or resumed.

The Institute will not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, to resolve allegations of sexual violence

involving a student Party, or when such a process would conflict with Federal, State, or local law.

The Institute must complete the informal resolution process within 90 days of receiving the Complaint, unless an extension of those timelines is justified due to unusual or complex circumstances.

F. Grievance Procedures for Complaints of Sex Discrimination under Title IX

(For Complaints of sex-based harassment involving students, see the section entitled, “Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties.”)

General Requirements

- The Institute has adopted grievance procedures that provide for the prompt and equitable resolution of Complaints made by the Title IX Coordinator, students, employees, or other individuals who are participating or attempting to participate in its education programs or activities. These grievance procedures, in this Section F, will apply to allegations of conduct that would constitute unlawful sex discrimination under applicable federal and state law, including Title IX and their regulations.
- When a Party is both a student and an employee of the Institute, the Title IX Coordinator will make a fact-specific inquiry to determine whether the Institute will process the Complaint using the grievance procedures for Complaints of sex-based harassment involving student parties in Section G. In making the determination, the Title IX Coordinator will, at a minimum, consider whether the Party’s primary relationship with the Institute is to receive an education and whether the alleged sex-based harassment occurred while the Party was performing Institute employment-related work.
- The Institute will treat Complainants and Respondents equitably.
- The Institute requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against Complainants or Respondents in general or an individual Complainant or Respondent. The decision-maker may be the same person as the Title IX Coordinator, Deputy Title IX Coordinators, or investigator as long as they do not have a conflict of interest or bias.
- The Institute presumes that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Who May File a Complaint

The following people have a right to make a Complaint of sex discrimination requesting that the Institute investigate and make a determination about alleged discrimination under Title IX:

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

A person may only file a complaint of sex-based harassment if they allege to have been subjected to the sex-based harassment or if they have a legal right to act on such person's behalf.

Timeframes and Extensions

The Institute has established the following timeframes for the major stages of the grievance procedures:

- **Complaint evaluation:** The Institute will determine whether to dismiss or investigate a Complaint within 10 business days.
- **Complaint investigation:** The Institute will complete an adequate, reliable, and impartial investigation of Complaints within 120 calendar days.
- **Decision-Maker Questioning the Parties and Witnesses When Credibility is in Dispute:** The Institute will complete the process that enables the Decision-Maker to question the Parties and Witnesses no later than 30 calendar days after the date that the investigation concludes.
- **Determination Whether Sex Discrimination Occurred:** The Institute will issue a written determination whether sex discrimination occurred no later than 30 business days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties and Witnesses.

- **Appeal (if any):** A Complainant or Respondent may submit a written appeal no later than five business days from the date of the notice of determination whether sex discrimination occurred or from the date of the Institute’s notice of dismissal of a Complaint or any allegations. If a Complainant or Respondent submits an appeal to the Institute, the Institute will notify the other Party in writing within five business days of receiving a Party’s appeal and allow the non-appealing Parties at least 10 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

Extensions

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the timeline(s) identified in the preceding paragraph to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for Institute breaks or vacations, or due to the complexity of the investigation. The Institute will provide notice of this extension to the Parties in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Institute shall grant a student Party’s reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures. The Institute will notify the Parties and document the grant or denial of a request for extension.

All notices pertaining to extensions will be maintained as part of the case records.

Privacy

The Institute will take reasonable steps to protect the privacy of the Parties and Witnesses during these grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures. The Parties cannot engage in retaliation, including against Witnesses.

To protect the privacy of those involved, the Parties and Advisors participating in these grievance procedures will be provided with a confidentiality agreement. The confidentiality agreement restricts unauthorized disclosure of information and evidence obtained solely through the grievance procedure. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Consistent with the requirements of the grievance procedures, the Institute shall keep confidential the identity of any individual who has made a report or Complaint of sex discrimination, including any individual who has made a report or filed a Complaint of sex-based harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by law, or to carry out the purposes of the grievance procedures. This means that the Institute will protect the Party's privacy consistent with the grievance procedures but may disclose information to those who have a legitimate need to know and in order to process Complaints under the grievance procedures.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health or safety of others in the community may be in danger, it may be necessary for the Institute to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

Evidence

The Institute will objectively evaluate all evidence that is relevant and otherwise permissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

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

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

harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations

Upon initiation of these grievance procedures, the Institute will notify the Parties of the following with sufficient time for the Parties to prepare a response before any initial interview:

- The Institute's Title IX Grievance Procedures for Complaints of Sex Discrimination, this Section G, and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited, and that the Party should report any retaliation to the Title IX Coordinator;
- For student Parties, notice regarding appropriate counseling resources the Institute has developed and maintains; and
- The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence or an accurate description of this evidence. The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence upon the request of any party.

If, in the course of an investigation, the Institute decides to investigate allegations of sex discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a consolidated Complaint, the Institute will provide notice of the additional allegations to the Parties.

Dismissal of a Complaint

Situations Where a Complaint May be Dismissed

The Institute may dismiss a Complaint of sex discrimination if:

- The Institute is unable to identify the Respondent after taking reasonable steps to do so; or
- The Respondent is not participating in the Institute's education program or activity and is not employed by the Institute; or
- The Complainant voluntarily withdraws in writing any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and the Institute determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint,

if any, would not constitute sex discrimination under Title IX even if proven; or

- After making reasonable efforts to clarify the allegations within the Complaint, the Institute determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX.

The Institute may commence proceedings under other policies and procedures after dismissing a Complaint.

Notification of Dismissal of Complaint and Right of Appeal

Upon dismissal, the Institute will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Institute will notify the Parties of the dismissal and the basis for the dismissal simultaneously in writing.

The Institute will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the Institute will also notify the Respondent that the dismissal may be appealed. A Party will have five business days to file an appeal with the Title IX Coordinator after receipt of the notice of dismissal.

The Institute will follow the procedures below in the section entitled “Appeals for Dismissal and Determinations of Sex Discrimination.”

Procedures Pending Appeal of the Dismissal of Complaint

If the dismissal is appealed, the Institute will:

- Notify the Parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties of the result of the appeal and the rationale for the result.

Institute Actions After Dismissal of a Complaint

If a Complaint is dismissed, the Institute will:

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

The Institute may also refer the matter to the appropriate department for resolution under the appropriate Institute policy, including, without limitation, policies found in the Student Handbook, the Faculty Handbook, or the Non-Faculty Personnel Handbook.

Investigations

The Institute will provide for adequate, reliable, and impartial investigation of Complaints.

Burden of Gathering Evidence

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

Opportunity to Present Witnesses and Evidence

The Institute will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible.

Evidence Review

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

The Institute will provide each Party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and otherwise permissible, in the following manner:

- The Institute will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or an accurate description of this evidence. The Institute will provide the parties with an equal opportunity to access the relevant and otherwise permissible evidence upon the request of any Party;
- The Institute will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and

- The Institute will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

Evidence of Past Sexual History

Evidence that relates to the Complainant's sexual interests or prior sexual conduct must be excluded, unless:

- The evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or
- The evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Decision-Maker Questioning of the Parties and Witnesses When Credibility is in Dispute

The Institute will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The Institute will use the following steps to complete this process: The Decision-Maker will request the Parties and/or Witnesses participation in meetings to question the Parties and/or Witnesses and invite the Parties to submit questions for the Decision-Maker's consideration. The Decision-Maker will schedule and conduct separate meetings with the Parties and/or Witnesses. The meetings will be in-person or with technology enabling the Party and Decision-Maker to see and hear each other in real time. During each meeting, the Decision-Maker will ask questions of the Party and allow the Party to comment on the evidence collected during the investigation. The Decision-Maker may meet with a Party more than once, based on the Decision-Maker's judgment. The Decision-maker will meet with other witnesses, if needed based on the Decision-Maker's judgment.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and otherwise permissible evidence, the Institute will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred under the Institute’s grievance procedures. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex discrimination occurred.
- Notify the Parties simultaneously in writing of the determination whether sex discrimination occurred under the Institute’s grievance procedures including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal;
- Not impose discipline on a Respondent for sex discrimination prohibited by the Institute’s policy unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination under this policy.
- If there is a determination that sex discrimination occurred in violation of this policy, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to the Complainant and other people the Institute identifies as having had equal access to the Institute’s education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the Institute’s education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against the Respondent; and
- Not discipline a Party, Witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Coordination of the Imposition of Discipline

In those cases where a student Respondent will be disciplined, the Title IX will refer the matter to the Vice President of Academic Affairs. In those cases where an employee will be disciplined, the Title IX Coordinator will refer the matter to the Human Resources Department.

Disciplinary Sanctions and Remedies

Following a determination that sex discrimination occurred, the Institute may impose disciplinary sanctions against the Respondent. The action will be prompt, effective, and commensurate with the severity of the offense.

Possible disciplinary sanctions for student Respondents include:

- Written or verbal reprimand;
- Required training or counseling;
- Non-academic probation;
- Suspension; and
- Expulsion;

Possible disciplinary sanctions for employee Respondents include:

- Written or verbal reprimand;
- Required training or counseling;
- Reduction in pay;
- Demotion;
- Suspension; and
- Discharge.

The Institute may also provide remedies, which may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to retake a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and

- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant’s discipline.

Appeals for Determinations of Sex-Based Harassment

A Party may appeal the dismissal of a Complaint or any allegations or the determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals a dismissal or determination whether sex-based harassment occurred, the Institute will:

- Notify the Parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the Parties in writing that the Institute will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties in writing of the result of the appeal and the rationale for the result.

G. Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties

(For complaints of sex discrimination not including sex-based harassment involving students or complaints of sex-based harassment not involving students, see the preceding section entitled, “Grievance Procedures for Complaints of Sex Discrimination under Title IX.”)

General Requirements

- The Institute has adopted the following grievance procedures that provide for the prompt and equitable resolution of Complaints of sex-based harassment involving a student complainant(s) or a student respondent(s)

who are participating or attempting to participate in its education programs or activities. The Grievance Procedures in this section apply to allegations of conduct involving a student party that would constitute unlawful sex-based harassment under applicable federal and state law, including Title IX, and their regulations.

- Complaints of sex-based harassment that do not involve a student Party are processed under the Grievance Procedures for Complaints of Sex Discrimination.
- When a party is both a student and an employee of the Institute, the Title IX Coordinator will make a fact-specific inquiry to determine whether the Institute will process the Complaint using the Grievance Procedures for Complaints of Sex Discrimination or using the Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents. In making the determination, the Title IX Coordinator will, at a minimum, consider whether the Party's primary relationship with the Institute is to receive an education and whether the alleged sex-based harassment occurred while the Party was performing Institute employment-related work.
- These procedures ensure trauma-informed and impartial investigation sex-based harassment Complaints.
- Any individual may report sex-based harassment to the Institute's Title IX Coordinator.
- The Institute strongly encourages prompt reporting of sex-based harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the Institute's ability to effectively investigate and respond.
- The Institute will treat Complainants and Respondents equitably.
- The Institute requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. As long as there is no conflict of interest or bias, a Decision-Maker may be the same person as the Title IX Coordinator, or investigator.
- The Institute presumes that the Respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of its Grievance Procedures.
- The investigation and adjudication of alleged sex-based harassment under this procedure is not an adversarial process between the Complainant, the Respondent, and the Witnesses, but rather a process for the Institute to

comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

- Because individuals may be deterred from reporting incidents of sex-based harassment if alcohol, drugs, or other violations of Institute or campus rules were involved, the Institute will inform individuals that the primary concern is for student safety and that use of alcohol or drugs never makes a Complainant at fault for sex-based harassment. An individual who participates as a Complainant or Witness in an investigation under this procedure will not be subject to disciplinary sanctions for a violation of the Institute's student conduct policy at or near the time of the incident, unless the Institute determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Who May File a Complaint

The following people have a right to make a Complaint of sex-based harassment, requesting that the Institute investigate and make a determination about alleged sex-based harassment:

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

Student Complainant Requests for Confidentiality

If a student complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the Respondent, if found responsible, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the Institute shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the Complainant. The Institute shall normally grant the request when possible. In determining whether to disclose a Complainant's identity or proceed to an investigation over the objection of the Complainant, the Institute may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent;
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery;
- The Respondent is a faculty or staff member with oversight of students;
- There is a power imbalance between the Complainant and Respondent;
- The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed or an investigation is conducted; and
- The Institute is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

If the Institute determines that it can honor the student Complainant's request for confidentiality, it shall still take reasonable steps to respond to the Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating an investigation or revealing the identity of the Complainant. The Institute shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. The Institute shall notify the Complainant that the request for confidentiality will limit the steps the Institute will take to respond to the report of sexual harassment.

If the Institute determines that it must disclose the student-Complainant's identity to the Respondent or proceed with a Complaint, it shall inform the Complainant prior to making this disclosure or initiating the investigation. The Institute shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event the Complainant requests that the Institute inform the Respondent that the Complainant asked the Institute not to investigate or seek discipline, the Institute shall honor this request.

Timeframes and Extensions

The Institute has established the following timeframes for the major stages of the grievance procedures:

- **Complaint evaluation:** The Institute will determine whether to dismiss or investigate a Complaint within 10 business days.
- **Complaint investigation:** The Institute will complete an adequate, reliable, and impartial investigation of Complaints within 120 calendar days.
- **Decision-Maker Questioning the Parties and Witnesses:** The Institute will complete the process that enables the Decision-Maker to question the

Parties and Witnesses no later than 30 calendar days after the date that the investigation concludes.

- **Determination Whether Sex-Based Harassment Occurred:** The Institute will issue a written determination whether sex-based harassment occurred no later than 30 business days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties and Witnesses.
- **Appeal (if any):** A Complainant or Respondent may submit a written appeal no later than five business days from the date of the notice of determination whether sex-based harassment occurred or from the date of the Institute's notice of dismissal of a Complaint or any allegations. If a Complainant or Respondent submits an appeal to the Institute, the Institute will notify the other Party in writing within five business days of receiving a Party's appeal and allow the non-appealing Parties at least 10 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

Extensions

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the timeline(s) identified in the preceding paragraph to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for Institute breaks or vacations, or due to the complexity of the investigation. The Institute will provide notice of this extension to the Parties in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Institute shall grant a student Party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Privacy

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

Consistent with the requirements of the grievance procedures, the Institute shall keep confidential the identity of any individual who has made a report or Complaint of sex discrimination, including any individual who has made a report or filed a Complaint of sex-based harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by law, or to carry out the purposes of the grievance procedures. This means that the Institute will protect the Party's privacy consistent with the grievance procedures but may disclose information to those who have a legitimate need to know and in order to process Complaints under the grievance procedures.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health or safety of others in the community may be in danger, it may be necessary for the Institute to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

Evidence

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

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

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

harassment or preclude determination that sex-based harassment occurred.

- Evidence that relates to the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations. Before allowing the consideration of any evidence that relates to the Complainant's sexual interests or prior sexual conduct, the investigator or Decision-Maker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

Written Notice of Allegations

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

- The Institute's Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited, and that the Party should report any retaliation to the Title IX Coordinator;
- The Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the Parties will have an opportunity to present relevant and otherwise permissible evidence to a trained, impartial decision-maker;
- The Parties may have an Advisor of their choice who may be, but is not required to be, an attorney;
- The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence or an investigative report that accurately summarizes this evidence. The Parties are entitled to an equal opportunity to access the relevant and permissible evidence upon the request of any Party;
- The Institute will cite to the code of conduct or other rule that prohibits knowingly making false statements or knowingly submitting false information during grievance procedures; and

- For a student Party, notice regarding appropriate counseling resources the Institute developed and maintains.

If, in the course of an investigation, the Institute decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated Complaint, the Institute will provide written notice of the additional allegations to the Parties.

Dismissal of a Complaint:

Situations Where a Complaint May be Dismissed

The Institute may dismiss a Complaint of sex-based harassment involving student parties if:

- The Institute is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the Institute's education program or activity and is not employed by the Institute;
- The Complainant voluntarily withdraws in writing of any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and Institute determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex-based harassment under Title IX even if proven; or
- After making reasonable efforts to clarify the allegations within the Complaint, the Institute determines the conduct alleged in the Complaint, even if proven, would not constitute sex-based harassment under federal or state law.

The Institute may commence proceedings under other relevant policies and procedures after dismissing a Complaint.

Notification of Dismissal of Complaint And Right Of Appeal

Upon dismissal, the Institute will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Institute will notify the Parties of the dismissal and the basis for the dismissal simultaneously in writing.

The Institute will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the Institute will also notify the Respondent that the dismissal

may be appealed. For more information on the right to appeal, see the Appeals section below.

Institute Actions After Dismissal of a Complaint

If a Complaint is dismissed, the Institute will:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate;
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex-based harassment does not continue or recur within the Institute's education program or activity; and
- The Institute may also refer the matter to the appropriate department for resolution under the appropriate Institute policy.

Investigation

The Institute will provide for adequate, reliable, and impartial investigation of Complaints.

Burden of Gathering Evidence

The burden is on the Institute—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex-based harassment occurred.

Notice

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

Advisor

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

The Institute will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding. The Institute may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the Parties.

The Institute will provide the Parties with the same opportunities, if any, to have people other than the advisor of the Party's choice present during any meeting or proceeding involving the Party. For the purposes of this Grievance Procedures,

the role of the Advisor is limited to the following: the Advisor may attend any interview or meeting connected with the Grievance Process, but may not actively participate in interviews nor provide testimony or argument on behalf of the Party.

Opportunity to Present Witnesses and Evidence

The Institute will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible. The Institute has discretion to determine whether the Parties may present expert witnesses as long as the determination applies equally to the Parties.

Evidence Review by the Institute and Parties

The Institute will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is permissible regardless of relevance.

The Institute will provide each Party and the Party's Advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and otherwise permissible, in the following manner:

- The Institute will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or the same written investigative report that accurately summarizes this evidence. The Institute will further provide the Parties with an equal opportunity to access the relevant and otherwise permissible evidence upon the request of any Party;
- The Institute will provide the Parties with a reasonable opportunity to review and respond to the evidence or the investigative report; and
- The Institute will take reasonable steps to prevent and address the Parties' and their Advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex-based harassment are authorized.

Decision-Maker Questioning of the Parties and Witnesses

The Institute will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

The Institute's process for proposing and asking relevant and otherwise permissible questions and follow-up questions of the Parties and Witnesses, including questions challenging credibility, will:

- Allow the Investigator or Decision-Maker to ask such questions during individual meetings with a Party or Witness;
- Allow each Party to propose such questions that the Party wants asked of any Party or Witness and have those questions asked by the Investigator or Decision-Maker during one or more individual meetings, including follow-up meetings, with a Party or Witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each Party with an audio or audiovisual recording or transcript and allow the other Party 10 business days to propose follow-up questions.

The investigator shall determine the format of the audio or audiovisual recording or transcript to provide to the Parties.

The Parties may request an extension of up to five (5) additional business days to propose follow-up questions. The Parties must make requests for such an extension to the investigator within the initial five (5) business day period. If the investigator grants one Party additional time to propose questions, the investigator shall provide the Parties with written notice of the extension which will include the other Party the same amount of additional time to propose follow-up questions in response to the same audio or audiovisual recording or transcript.

Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions

The Decision-Maker may choose to place less or no weight upon statements by a Party or Witness who refuses to respond to questions deemed relevant and permissible. The Decision-Maker will not draw an inference about whether sex-based harassment occurred based solely on a Party's or Witness's refusal to respond to such questions.

Determination Whether Sex-Based Harassment Occurred

Following an investigation and evaluation of all relevant and otherwise permissible evidence, the Institute will:

- Use the preponderance of the evidence standard of proof to determine whether sex-based harassment occurred. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex-based harassment occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex-based harassment occurred.

- Notify the Parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that the Institute used to evaluate the allegations;
 - The Decision-Maker's evaluation of the relevant and otherwise permissible evidence and determination whether sex-based harassment occurred;
 - When the Decision-Maker finds that sex-based harassment occurred, any disciplinary sanctions the Institute will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the Institute to the Complainant, and, to the extent appropriate, other students identified by the Institute to be experiencing the effects of the sex-based harassment; and
 - The Institute's procedures and permissible bases for the Complainant and Respondent to appeal.
- The Institute will not impose discipline on the Respondent for sex-based harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sex-based harassment.
- If there is a determination that sex-based harassment occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to the Complainant and other people the Institute identifies as having had equal access to the Institute's education program or activity limited or denied by sex-based harassment;
 - Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex-based harassment does not continue or recur within the Institute's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a Party, Witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in

consensual sexual conduct based solely on the determination whether sex-based harassment occurred.

The determination regarding responsibility becomes final either on the date that the Institute provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

Disciplinary Sanctions and Remedies

Disciplinary Sanctions

Following a determination that sex-based harassment occurred, the Institute may impose disciplinary sanctions on a student respondent including:

- Written or verbal reprimand;
- Required training or counseling;
- Non-academic probation;
- Suspension; or
- Expulsion.

Following a determination that sex-based harassment occurred, the Institute may impose disciplinary sanctions on an employee respondent including:

- Written or verbal reprimand;
- Required training or counseling;
- Demotion;
- Suspension; or
- Discharge.

The Institute may also issue a no-contact directive against the Respondent following a determination that sex-based harassment occurred.

Remedies

The Institute may also provide remedies, which may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;

- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to retake a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Appeals for Dismissal and Determinations of Sex-Based Harassment

A Party may appeal the dismissal of a Complaint or any allegations or the determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence becomes available that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals a dismissal or determination whether sex-based harassment occurred, the Institute will:

- Notify the Parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the Parties in writing that the Institute will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties in writing of the result of the appeal and the rationale for the result.

H. Retaliation

No one, including a peer, may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this policy 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 this policy.

The Institute has the right to require an employee or other person authorized by the Institute to provide aid, benefit, or service under its education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this policy.

I. Recordkeeping

The Institute will retain on file for a period of at least seven years after closing the case copies of:

- For each Complaint of sex discrimination: records documenting the informal resolution process (if any) or the Grievance Procedures, and the resulting outcome
- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under this policy, records documenting the actions the Institute took to meet its obligations under this policy.
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. These training materials are available upon request for inspection by members of the public.

SEXUAL ASSAULT TRAINING AND EDUCATION

The Title IX Coordinators will provide for sexual assault education and prevention programs on campus, including information about dating violence and domestic violence in conjunction with mentoring program staff, and publicize the need to take precautions against sexual assault. The Coordinators will help determine when a specific case poses such an imminent danger to the community that warnings should be published. The Coordinators will work with the Berkeley Police to collect data for official summary crime reports and with other Institute departments to document the incidence of sexual assault.

FURTHER INFORMATION

Inquiries about the application of Title IX may be referred to our Title IX Coordinators or to the Department of Education's Office for Civil Rights. See the

packet “Title IX: Addressing Sexual Harassment/Sexual Violence,” which includes more information about what types of conduct constitute sexual harassment/sexual violence, prevention strategies including bystander intervention, and risk reduction.

The Title IX Coordinators at The Wright Institute are listed below.

Tricia O’Reilly (lead) toreilly@wi.edu Durant

Virginia Morgan vmorgan@wi.edu Durant

PREPARING THE ANNUAL DISCLOSURE OF CRIME REPORT STATISTICS:

At the Wright Institute, the Facilities Coordinator has the annual responsibility for gathering statistics and provides this information to the Vice President for Finance and Administrative Affairs. The Facilities Coordinator and the VPFA work with the Safety Officers as needed on identifying the reportable crimes and report the information to the Department of Education and the Wright Institute community, and are responsible for the preparation of this report. The Vice President for Finance and Administrative Affairs and the Dean of Students are Title IX Coordinators for the Wright Institute. Campus safety reports and records are maintained in the office of the VP for Finance and Administrative Affairs. These policies and procedures are reviewed on an annual basis. Last policy review was September 2022.

The information in this report comes from a variety of sources, including the City of Berkeley Police Department and incidents reported to the Wright Institute.

CRIME REPORT

The Students' Right to Know and Campus Security Act of 1990 provides that educational institutions disclose occurrences of crime on campus and at off-campus facilities. These statistics include: murder, forcible and non-forcible sex offenses, burglary, robbery, aggravated assault, motor vehicle theft, liquor law violations, drug and narcotic offenses, and weapons possession.

2728 DURANT AVENUE WRIGHT INSTITUTE CRIME STATISTICS/YEARS 2021 - 2023

	2021	2022	2023
Murder	0	0	0
Forcible Sex Offense	0	0	0
Non-forcible Sex Offense	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Liquor Law Violation	0	0	0
Drug & Narcotic Offense	0	0	0
Weapons Possession	0	0	0

HATE CRIMES/YEARS 2021 - 2023

The following are statistics for crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.

Hate Crime Related (Also in above table)

	2021	2022	2023
Murder	0	0	0
Forcible Rape	0	0	0
Aggravated Assault	0	0	0
Drug & Narcotic Offense	0	0	0
Liquor Law Violation	0	0	0
Weapons Possession	0	0	0

1000 Dwight Way
WRIGHT INSTITUTE CRIME STATISTICS/YEARS 2021 - 2023

	2021	2022	2023
Murder	0	0	0
Forcible Sex Offense	0	0	0
Non-forcible Sex Offense	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Liquor Law Violation	0	0	0
Drug & Narcotic Offense	0	0	0
Weapons Possession	0	0	0

HATE CRIMES/YEARS 2021 - 2023

The following are statistics for crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.

Hate Crime Related (Also in above table)

	2021	2022	2023
Murder	0	0	0
Forcible Rape	0	0	0
Aggravated Assault	0	0	0
Drug & Narcotic Offense	0	0	0
Liquor Law Violation	0	0	0
Weapons Possession	0	0	0

1918 University Avenue
WRIGHT INSTITUTE CRIME STATISTICS/YEARS 2021 - 2023

	2021	2022	2023
Murder	0	0	0
Forcible Sex Offense	0	0	0
Non-forcible Sex	0	0	0
Offense Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Liquor Law Violation	0	0	0
Drug & Narcotic Offense	0	0	0
Weapons Possession	0	0	0

HATE CRIMES/YEARS 2021 - 2023

The following are statistics for crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.

Hate Crime Related (Also in above table)

	2021	2022	2023
Murder	0	0	0
Forcible Rape	0	0	0
Aggravated Assault	0	0	0
Drug & Narcotic Offense	0	0	0
Liquor Law Violation	0	0	0
Weapons Possession	0	0	0

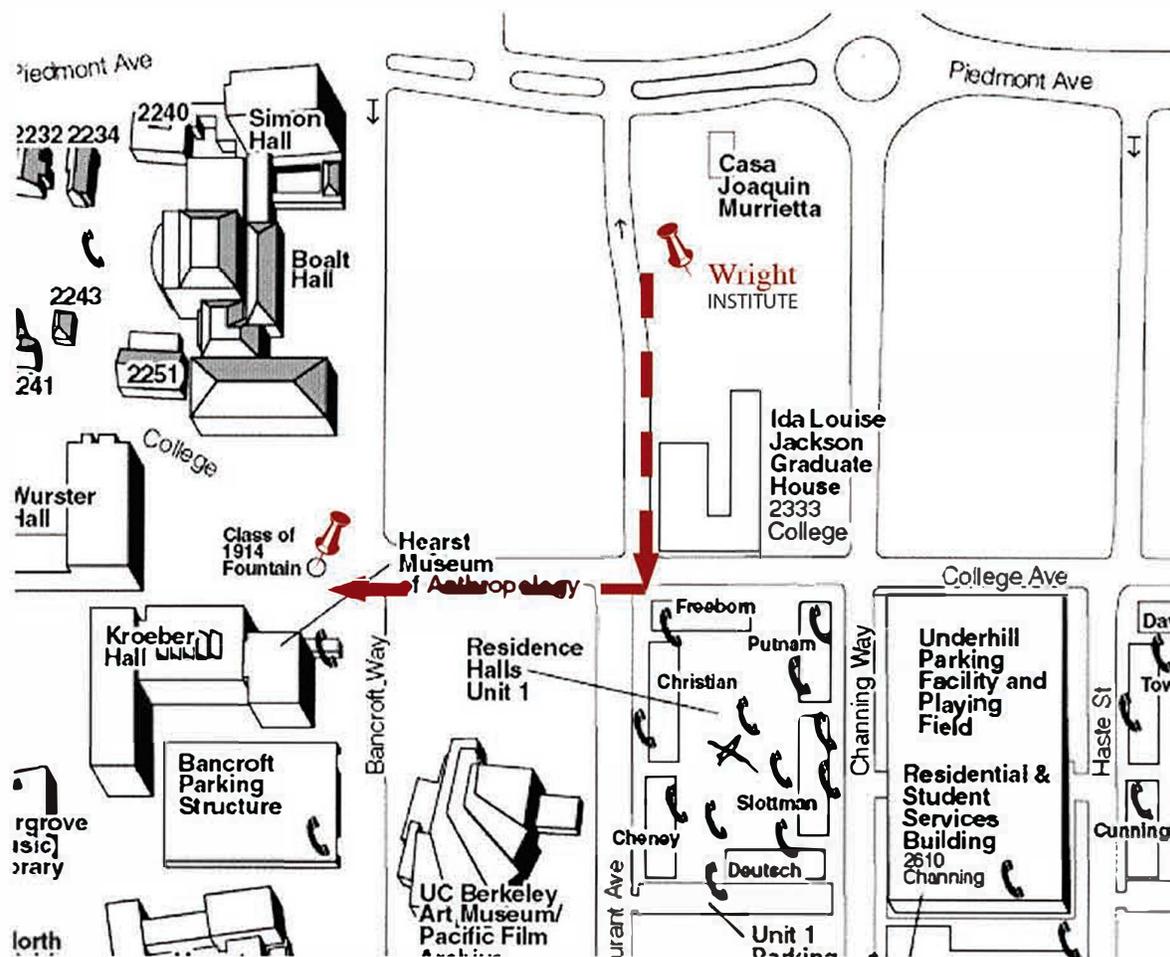
EVACUATION ROUTES AND EVACUATION ASSEMBLY AREAS

EMERGENCY EVACUATION ASSEMBLY AREA ROUTE MAP

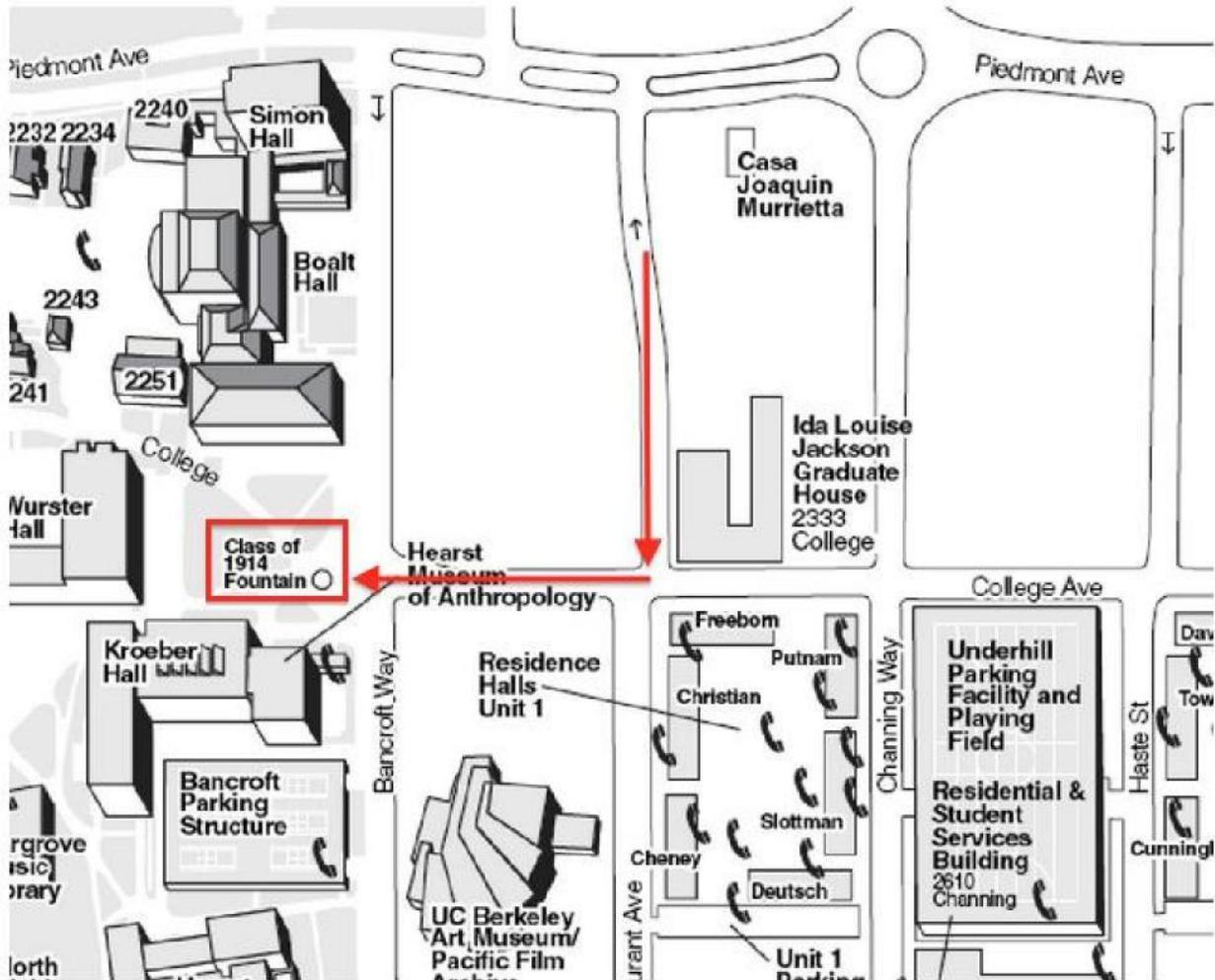
2728 Durant Avenue

Upon evacuation of the building all students, faculty, and staff must gather at the primary Emergency Assembly Area (EAA) located at:

The Class of 1914 Fountain at the intersection of Bancroft Way and College Ave.



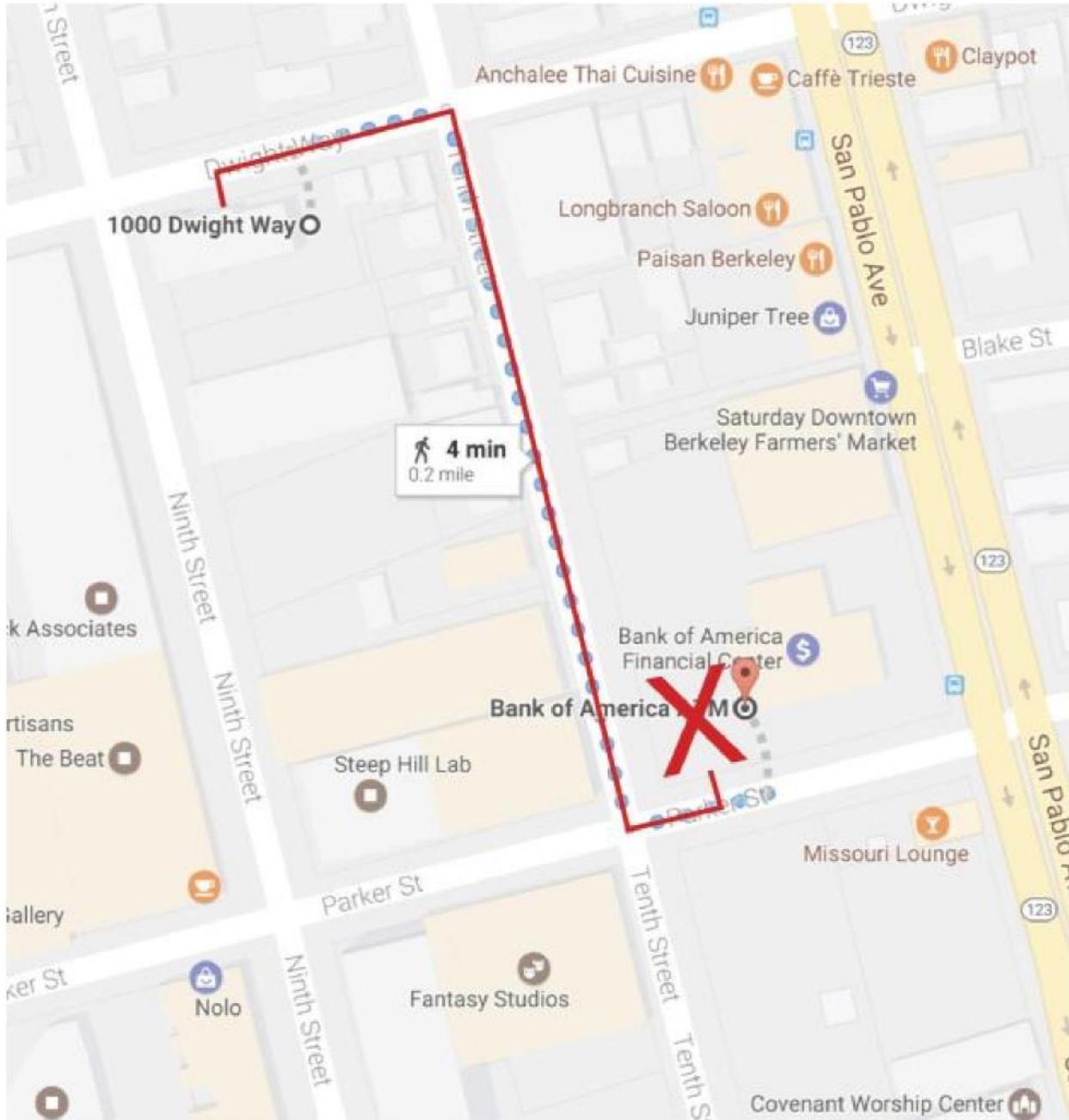
2728 Durant Evacuation Assembly Area Route Map



Primary Emergency Assembly Area (EAA) is located at Class of 1914 Fountain, Bancroft Ave and College Ave.

Evacuation Maps, Plan, and Information

1000 Dwight Way Evacuation Assembly Area Route Map



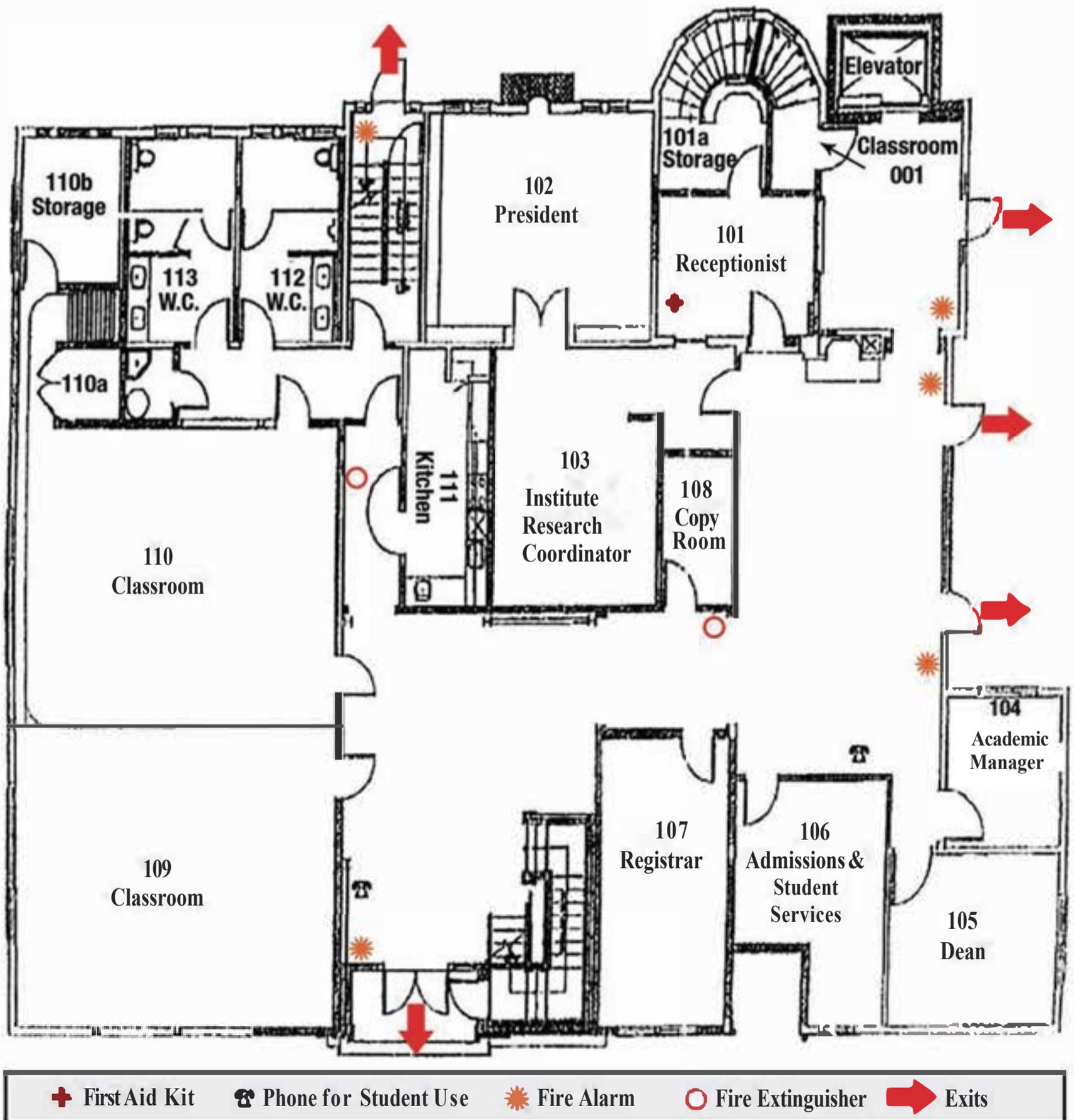
Primary Emergency Assembly Area (EAA) is located at Bank of America Parking Lot, Tenth St. and Parker St.

EMERGENCY EVACUATION BUILDING ROUTE MAP

2728 Durant Avenue

Below is a detailed map of exits in case of an emergency evacuation. Upon evacuation of the building all students, faculty, and staff must gather at the primary Emergency Assembly Area (EAA) located at **The Class of 1914 Fountain at the intersection of Bancroft Way and College Ave.**

Fire alarms and extinguishers are also marked on the map in case of a building fire. The first aid kit for immediate medical attention is located in the Receptionist's office. There are two telephones on the first floor of the building for student use. **In the case of an emergency, call 9-1-1 and report the incident.**



Emergency Exit Route Maps

EVACUATION PLAN

1ST

1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**

EXIT BUILDING BY
NEAREST MARKED EXIT

DISABLED PERSONS SHOULD
PROCEED TO THE NEAREST EXIT
AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT
HORN SOUND WITH
FLASHING STROBE

-  YOU ARE HERE
-  FIRE EXTINGUISHER
-  FIRE ALARM
-  STAIRS
-  ELEVATOR
-  EXIT PATH
-  EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN

1ST

1000 DWIGHT WAY
BERKELEY, CA 94702

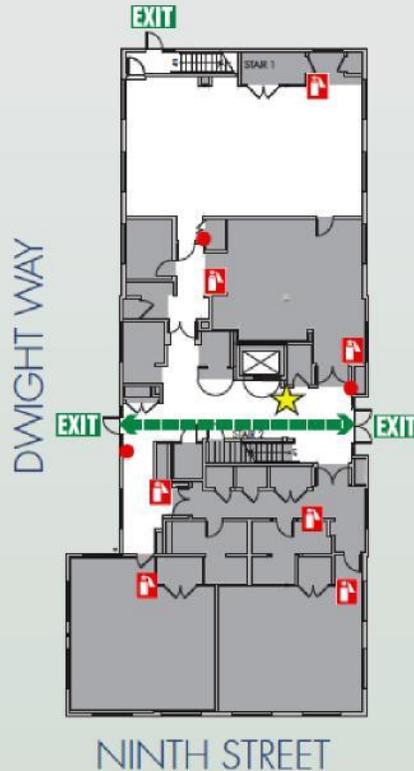
IN AN EMERGENCY
CALL **9-1-1**

EXIT BUILDING BY
NEAREST MARKED EXIT

DISABLED PERSONS SHOULD
PROCEED TO THE NEAREST EXIT
AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT
HORN SOUND WITH
FLASHING STROBE

★	YOU ARE HERE
🔥	FIRE EXTINGUISHER
●	FIRE ALARM
🪜	STAIRS
⊠	ELEVATOR
➡	EXIT PATH
EXIT	EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN

1ST

1000 DWIGHT WAY
BERKELEY, CA 94702

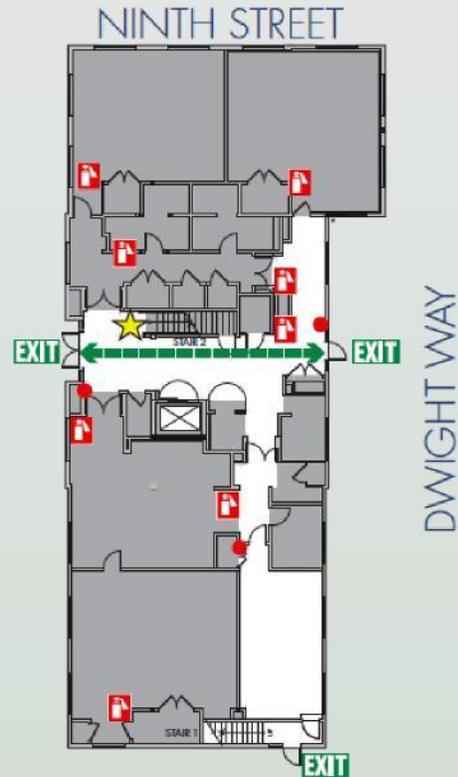
IN AN EMERGENCY
CALL **9-1-1**

EXIT BUILDING BY
NEAREST MARKED EXIT

DISABLED PERSONS SHOULD
PROCEED TO THE NEAREST EXIT
AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT
HORN SOUND WITH
FLASHING STROBE

	YOU ARE HERE
	FIRE EXTINGUISHER
	FIRE ALARM
	STAIRS
	ELEVATOR
	EXIT PATH
	EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN



1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**



EXIT BUILDING BY NEAREST MARKED EXIT

DISABLED PERSONS SHOULD PROCEED TO
THE NEAREST EXIT AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT HORN SOUND
WITH FLASHING STROBE

	YOU ARE HERE
	FIRE EXTINGUISHER
	FIRE ALARM
	STAIRS
	ELEVATOR
	EXIT PATH
	EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN



1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**

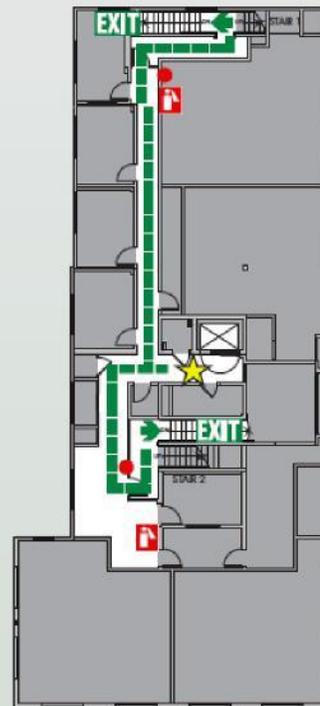
EXIT BUILDING BY
NEAREST MARKED EXIT

DISABLED PERSONS SHOULD
PROCEED TO THE NEAREST EXIT
AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT
HORN SOUND WITH
FLASHING STROBE

	YOU ARE HERE
	FIRE EXTINGUISHER
	FIRE ALARM
	STAIRS
	ELEVATOR
	EXIT PATH
	EXIT

DWIGHT WAY



NINTH STREET



IN AN EMERGENCY USE STAIRWAY.

DO NOT USE ELEVATOR

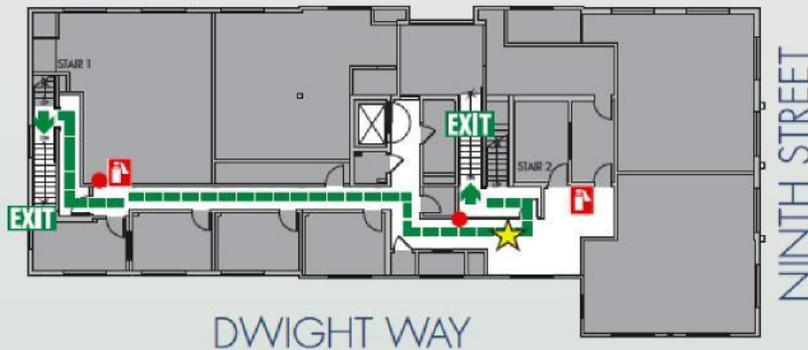


EVACUATION PLAN



1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**



EXIT BUILDING BY NEAREST MARKED EXIT

DISABLED PERSONS SHOULD PROCEED TO
THE NEAREST EXIT AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT HORN SOUND
WITH FLASHING STROBE

	YOU ARE HERE
	FIRE EXTINGUISHER
	FIRE ALARM
	STAIRS
	ELEVATOR
	EXIT PATH
	EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN

2ND

1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**

EXIT BUILDING BY
NEAREST MARKED EXIT

DISABLED PERSONS SHOULD
PROCEED TO THE NEAREST EXIT
AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT
HORN SOUND WITH
FLASHING STROBE

	YOU ARE HERE
	FIRE EXTINGUISHER
	FIRE ALARM
	STAIRS
	ELEVATOR
	EXIT PATH
	EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN

2ND

1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**



DWIGHT WAY

NINTH STREET

EXIT BUILDING BY NEAREST MARKED EXIT

DISABLED PERSONS SHOULD PROCEED TO
THE NEAREST EXIT AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT HORN SOUND
WITH FLASHING STROBE

★	YOU ARE HERE
🔥	FIRE EXTINGUISHER
●	FIRE ALARM
🪜	STAIRS
⊠	ELEVATOR
---	EXIT PATH
EXIT	EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN

2ND

1000 DWIGHT WAY
BERKELEY, CA 94702

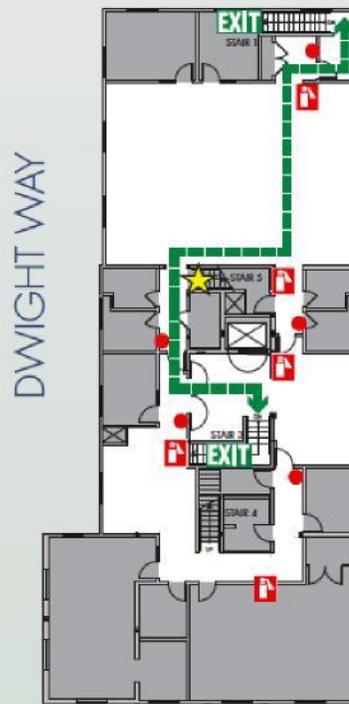
IN AN EMERGENCY
CALL **9-1-1**

EXIT BUILDING BY
NEAREST MARKED EXIT

DISABLED PERSONS SHOULD
PROCEED TO THE NEAREST EXIT
AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT
HORN SOUND WITH
FLASHING STROBE

★	YOU ARE HERE
🔥	FIRE EXTINGUISHER
●	FIRE ALARM
🪜	STAIRS
⊠	ELEVATOR
— — —	EXIT PATH
EXIT	EXIT



NINTH STREET



IN AN EMERGENCY USE STAIRWAY.

DO NOT USE ELEVATOR



EVACUATION PLAN

2ND

1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**

EXIT BUILDING BY
NEAREST MARKED EXIT

DISABLED PERSONS SHOULD
PROCEED TO THE NEAREST EXIT
AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT
HORN SOUND WITH
FLASHING STROBE

	YOU ARE HERE
	FIRE EXTINGUISHER
	FIRE ALARM
	STAIRS
	ELEVATOR
	EXIT PATH
	EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN

3RD

1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**

EXIT BUILDING BY
NEAREST MARKED EXIT

DISABLED PERSONS SHOULD
PROCEED TO THE NEAREST EXIT
AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT
HORN SOUND WITH
FLASHING STROBE

	YOU ARE HERE
	FIRE EXTINGUISHER
	FIRE ALARM
	STAIRS
	ELEVATOR
	EXIT PATH
	EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN

3RD

1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**

DWIGHT WAY

NINTH STREET



EXIT BUILDING BY NEAREST MARKED EXIT

DISABLED PERSONS SHOULD PROCEED TO
THE NEAREST EXIT AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT HORN SOUND
WITH FLASHING STROBE

- ★ YOU ARE HERE
- 🔥 FIRE EXTINGUISHER
- FIRE ALARM
- 🪜 STAIRS
- ⊠ ELEVATOR
- EXIT PATH
- EXIT EXIT



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR



EVACUATION PLAN

3RD

1000 DWIGHT WAY
BERKELEY, CA 94702

IN AN EMERGENCY
CALL **9-1-1**

EXIT BUILDING BY
NEAREST MARKED EXIT

DISABLED PERSONS SHOULD
PROCEED TO THE NEAREST EXIT
AND AWAIT ASSISTANCE

FIRE ALARM IS AN INTERMITTENT
HORN SOUND WITH
FLASHING STROBE

	YOU ARE HERE
	FIRE EXTINGUISHER
	FIRE ALARM
	STAIRS
	ELEVATOR
	EXIT PATH
	EXIT

NINTH STREET



DWIGHT WAY



IN AN EMERGENCY USE STAIRWAY.
DO NOT USE ELEVATOR

