



TITLE IX POLICY

Contents

INTRODUCTION	2
Title IX Coordinator and Deputy Coordinator Contact Information	3
PROHIBITED BEHAVIORS/CONDUCT	3
DEFINITIONS	4
REPORTING SEXUAL DISCRIMINATION	6
Mandatory Reporter	7
Anonymous Reporting	7
Timely Warnings	7
Local Law Enforcement	8
Medical Attention/Preservation of Evidence	8
Preserving Information	8
Protection from Abuse (PFA) and Sexual Violence Protection (SVPO) Orders	8
Community Resources, Counseling, Mental Health	9
Office for Civil Rights	9
COLLEGE'S RESPONSE	9
COMPLAINANT'S RIGHTS	10
RESPONDENT'S RIGHTS	10
FAIR GRIEVANCE PROCESS	11
Informal Resolution Process	11
Role of an Advisor	12
Supportive Measures	12
Investigation	13
Live Hearing	14
Written Determination	15
Possible Disciplinary Sanctions	15
Remedies	16
Appeals Process	17
FALSE REPORTS	18
RETALIATION PROHIBITION	18
TRAINING	18
BIAS/CONFLICT OF INTEREST	19
DISABILITY ACCOMMODATIONS	19

PEIRCE COLLEGE is committed to providing a work and education environment free of unlawful harassment, discrimination and retaliation. Peirce College prohibits sexual discrimination, including sexual harassment and sexual violence. This policy also prohibits retaliation against a person who is a party to a complaint or who otherwise participates or declines to participate in any matter related to this policy.

Both Title VII and Title IX are federal laws used to combat discrimination. Title VII protects individuals in the workplace and Title IX covers educational activities and institutions. Peirce College is committed to upholding both laws and prohibits all forms of discrimination.

Title VII of the Civil Rights Act of 1964 is a federal law that:

Protects employees against discrimination based on certain specified characteristics: race, ethnicity, color, national origin, age, religion, disability, gender reassignment, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity. An employer may not discriminate with regard to any term, condition, or privilege of employment.

Specific to education, protecting both employees and students, sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

In accordance with Title IX, Peirce College does not discriminate on the basis of sex in its education programs or activities, which extends to admission and employment. Peirce College also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education programs or activities.

All members of the administration, faculty, staff and students will be subject to Peirce College's disciplinary process for violation of this policy. Persons engaged in prohibited conduct may also be subject to criminal and civil procedures at state and/or federal levels. Peirce College is committed to fair and prompt procedures to investigate and adjudicate complaints of Sexual Harassment.

This policy applies to all Peirce College officers, faculty, administrators, Trustees, students, volunteers, outside contractors, vendors, visitors, and applicants for employment or admission for conduct on campus and at college events at off-campus locations.

Title IX Coordinator and Deputy Coordinator Contact Information

TITLE IX COORDINATOR (Interim)	Carrie Robinson AVP, Human Resources and Chief Diversity & Inclusion Officer	1420 Pine Street, Philadelphia, PA 19102 Alumni Hall 3 rd floor	cnrobinson@peirce.edu	(215) 670-9328
TITLE IX DEPUTY COORDINATOR	Tracey Thomas Assistant Dean, Student Support Services	Alumni Hall 2 nd floor	tathomas@peirce.edu	(215) 670-9423
TITLE IX DEPUTY COORDINATOR	Denise Juarez, Director, Employment & Employee Services	Alumni Hall 3 rd floor	dmjuarez@peirce.edu	(215) 670-9217
TITLE IX DEPUTY COORDINATOR	Giselle Marte, Associate Director, Faculty Recruitment & Development	Alumni Hall 2 nd floor	gamarte1@peirce.edu	(215) 670-9256

The Title IX Coordinator, supported by the Title IX Deputy Coordinators, (collectively “Title IX personnel”) are responsible for the College’s compliance with Title IX. They receive complaints of sexual discrimination, ensure a fair and balanced grievance process, and administer the review, investigation, and resolution procedures. The Title IX Coordinator and Deputy Coordinators are trained in state and federal laws that apply to matters of sexual discrimination as well as College policies and procedures.

The Hearing Panel consists of additional Peirce College employees who will consider evidence presented in the live hearing, render findings and sanctions. Title IX personnel will not serve on the Hearing Panel.

PROHIBITED BEHAVIORS/CONDUCT

In determining whether alleged conduct violates this policy, the College will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships. Unacceptable conduct includes but is not limited to:

- Sexual Discrimination
- Sexual Harassment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking
- Retaliation

DEFINITIONS

Sexual Discrimination is any conduct that subjects an individual to disparate treatment on the basis of gender identity, gender expression, pregnancy, marital status, sexual orientation. For this policy, it includes sexual harassment, sexual assault and sexual violence as described below.

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

1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an educational program or activity;
2. A College employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment); or
3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA) (collectively referred to as "Sexual Violence"):
 - **Sexual Assault**, as defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation¹. It is actual or attempted sexual contact with another person without that person's consent, including but not limited to, physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability.
 - **Dating Violence**, as defined in 34 U.S.C. 12291(a)(10), means violence (physical, emotional, psychological or sexual abuse) committed by a person a) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and b) where the existence of such relationship shall be determined based on a consideration of: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.
 - **Domestic Violence**, as defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence (physical, emotional, psychological, or sexual abuse) committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. Intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement, but does not include a causal relationship or an ordinary association between persons in a business or social context.

¹ The FBI's Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of "without the consent of the victim."

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- **Stalking, as defined in 34 U.S.C. 12291(a)(30)**, means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Statutory Rape is defined a sexual intercourse with a person who is under the statutory age of consent.

Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual contact. When a person makes clear that they do not want to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the College will consider: (i) the frequency of the application of the pressure; (ii) the intensity of the pressure; (iii) the degree of isolation of the person being pressured; (iv) the duration of the pressure; and (v) the relative positions within the College community of those involved.

Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a complaint under this policy.

Consent, as defined in the [Annual Security Report](#) available on the College's website, is an affirmative decision to engage in mutually acceptable sexual activity, and is given by clear words or actions. It is an informed decision made freely and actively by all parties. Consent may not be inferred from silence, passivity, or lack of resistance alone. Furthermore, consent to one form of sexual activity does not imply consent to other forms of sexual activity and the existence of a current or previous dating, marital, and/or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent cannot be obtained from someone who is asleep, unconscious, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. Consent cannot be obtained by threat, coercion intimidation, isolation, confinement, or force. Agreement given under such conditions does not constitute consent.

Incapacitation is the inability to make informed, rational judgments and decisions. If alcohol or drugs are involved, incapacitation may be assessed by evaluating how the substance has affected a person's decision-making capacity, awareness, and ability to make informed judgments. The perspective of a reasonable person will be considered in the College's determination of whether a person knew, or reasonably should have known under the circumstances, whether the other party was incapacitated. Being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for sexual discrimination.

Complainant means the individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim's behalf.

Respondent is the individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Party(ies) refers collectively or separately to the Complainant and Respondent.

Decision-Maker refers collectively to the employees who will serve on the Hearing Panel and render a determination on the Formal Complaint

Formal Complaint is a document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the College's education Program or Activity with which the Formal Complaint is filed

Preponderance of the evidence standard means that a finding is based on whether it is more likely than not that the Respondent violated the policy. In other words, the Hearing Panel concludes that there is a greater than 50% chance that the complaint is true.

Exculpatory evidence favorable to the Respondent

Inculpatory evidence favorable to the Complainant

REPORTING SEXUAL DISCRIMINATION

Any person who believes they have been a victim of, have witnessed, or otherwise wish to report any incident of sexual discrimination should contact the Title IX Coordinator as soon as possible by calling, writing or coming into the office:

Carrie Robinson, Associate Vice President, Human Resources and Chief Diversity & Inclusion Officer/Title IX Coordinator
1420 Pine Street, Philadelphia, Pa. 19102
Alumni Hall, 3rd floor
cnrobinson@peirce.edu
(215) 670-9328

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

A complaint may also be reported by a Mandatory Reporter (described below) to the Title IX Coordinator.

The initial concern of the College is for the well-being and safety of the Complainant and the community. If there is reason to believe that an assailant is at large who poses an immediate threat to the community, the Title IX Coordinator and the Chief Auxiliary Officer will take action to protect the campus. The College will ensure that the Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger... After seeing to the well-being of the individual reporting the alleged assault and to the immediate security of the campus, the College will evaluate the report.

The College does not have a time limit for reporting sexual discrimination. Reports can be submitted at any time following an incident, although the College's ability to take any action may be negatively

affected by the length of time between the alleged incident and the report. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Mandatory Reporter

A “Mandatory Reporter” is a College employee who must share knowledge, notice and/or reports of sexual discrimination, Sexual Harassment and/or retaliation with the Title IX Coordinator. All members of the faculty and administrators above a Director-level are Mandatory Reporters. This includes: Dean, Associate Dean, Senior Director, Associate Vice President, Chief, Vice President, and President.

A Mandatory Reporter who has information regarding, is a witness to, or becomes aware by any means of any form of discrimination that occurs on campus or at a College related activity, is required to report the incident immediately to the Title IX Coordinator. All other employees are strongly encouraged to report such incidents. Reports may be made directly to either the Title IX Coordinator or a Title IX Deputy Coordinator.

Before a Complainant reveals any information to a Mandatory Reporter, the Responsible Employee should ensure that the Complainant understands the employee’s reporting obligations – and, if the Complainant wants to maintain confidentiality, direct the Complainant to confidential resources.

When a Complainant tells a Mandatory Reporter about an incident of sexual discrimination, the Complainant will be contacted by the Title IX Coordinator.

A Mandatory Reporter must report to the Title IX Coordinator all relevant details about the alleged sexual discrimination shared by the Complainant including the names of the Complainant, Respondent any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual discrimination or Sexual Harassment (including Sexual Violence). An individual may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the extent of information available, the College's ability to respond to an anonymous report may be limited. The College provides a 24/7/365 hotline at www.peirce.ethicspoint.com or (855) 857-5885.

Timely Warnings

When an incident is reported to the College involves an alleged crime that constitutes a possible ongoing or continuing threat to the campus community, the College will evaluate each incident on a case-by-case basis to determine if a timely warning notice will be distributed to the community in a manner consistent with the requirements of the Clery Act. If a timely warning is issued to the campus community due to reported incidents that pose a substantial threat of bodily harm or danger, the College will make every effort to ensure that the Complainant’s name and other identifying information is not disclosed while still providing enough information to make safety decisions in light of the danger.

Local Law Enforcement

Notwithstanding the Complainant's ability to file a complaint with Peirce College, the Complainant may also file a report with local law enforcement. The Title IX Coordinator or Deputy Coordinator will assist the Complainant in reporting the alleged offense to the local police if the Complainant requests such assistance. In addition, the importance of preserving evidence for proof of a criminal offense is conveyed to the Complainant at the time of first reporting. Although the College strongly encourages all member of its community report Sexual Violence to law enforcement, it is the Complainant's choice whether or not to make such a report. The College's response to alleged violations of this policy does not preclude the possibility of criminal action by civil authorities, should the Complainant wish to pursue this course of action.

Medical Attention/Preservation of Evidence

For your safety and well-being, immediate medical attention is encouraged. In the case of rape or sexual assault, getting immediate medical attention is crucial so you can be evaluated for physical injuries, sexually transmitted diseases and to collect physical evidence. To keep evidence viable, do not change clothes, bathe, shower, use the restroom or cleanse in any way prior to your examination. If you have physical injuries, have them photographed with a date stamp on the photo. Try to memorize details and record those details. Getting medical attention does not require you to report to anyone. You do not have to report the sexual assault to law enforcement; however, the medical staff can collect physical evidence should you choose to press charges later. For information about obtaining a free forensic examination, contact the Rape, Abuse & Incest National Network (RAINN) at (800) 656-HOPE.

Preserving Information

Complainants, Respondents, and witnesses should consider whether there is information to gather that might be helpful to investigator(s) and should preserve relevant items. For example, receipts, text messages, pictures, videos, emails, Facebook posts or messages, Snapchats, or other social media posts may be helpful during an investigation or hearing. It may be helpful not to delete this information and preserve it for later. Also, Complainants and Respondents are encouraged to write down a list of possible witnesses to submit to investigator(s).

Protection from Abuse (PFA) and Sexual Violence Protection (SVPO) Orders

A Protection from Abuse Order is a civil order that provides protection from harm by family or household members, sexual or intimate partners, or someone with whom you have a child in common. A Sexual Violence Protection Order is similar to a PFA and offers civil protection to any victim of sexual violence who is a risk of harm from their perpetrator. PFA's and SVPO's are issued by a judge. Peirce College will honor any official PFA's or SVPO's issued. Copies of such orders should be given to the Chief Auxiliary Officer.

Community Resources, Counseling, Mental Health

Philadelphia Special Victims Unit	300 E. Hunting Park Ave Philadelphia, PA 19124	(215) 387-9500	Provides initial emergency medical treatment and crisis counseling services for sexual assault victims
Family Based Services – Sexual Abuse	1315 Windrim Avenue Philadelphia, PA 19141	(215) 456-2626	Provides intensive individual, family, and group sexual abuse therapy with on-call crisis response
Rape, Abuse & Incest National Network		(800) 656-HOPE www.rainn.org	RAINN operates the National Sexual Assault Hotline and carries out programs to prevent sexual assault
Sexual Assault Center-Jefferson Hospital Emergency Room	10 th and Sansom Street Philadelphia, PA 19107	(215) 955-6840	Provides medical care for injuries, documentation and evidence collection for legal purposes, prevention and treatment.
New Jersey Coalition Against Sexual Assault	2233 Whitehorse Mercerville Rd., Suite J Trenton, NJ 08609	(800) 601-7200 24 hour hotline	Provides confidential, hotline, crisis counseling, referral services and emergency client support.
Woman Organized Against Rape (WOAR)	One Penn Center 1617 JFK Blvd., Ste 1100 Philadelphia, PA 19103	(215) 985-3333 24 hour hotline	Counseling, hotline and information about sexual violence and emergency client support.

Office for Civil Rights

An individual to whom this policy applies may also file a complaint with the Office for Civil Rights (OCR); however, Peirce College encourages you, but does not require you, to first report any sexual discrimination complaint with any of the Peirce College parties named herein. For more information and/or to file a complaint with the OCR: Philadelphia Office for Civil Rights, U.S. Department of Education, The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107. Telephone: 215-656- 8541 Email: CR.Philadelphia@ed.gov. To the extent that an employee or contract worker is not satisfied with the College’s handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

COLLEGE’S RESPONSE

Peirce College must respond to a complaint when it has actual knowledge of sexual discrimination that occurred within the College’s education program or activity against a person on campus or at a college-related event. Actual knowledge is defined as notice of sexual discrimination or allegations of sexual discrimination to the Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. The College is in violation of Title IX if its response is clearly unreasonable in light of the known circumstances.

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

Peirce College will keep confidential the identity of Complainants, Respondents and witnesses, except as necessary to carry out a proceeding as described in this policy, or as may be permitted by FERPA, or required by law.

The College must investigate every Formal Complaint of Sexual Harassment, which may be filed by the Complainant or the Title IX Coordinator. If the alleged conduct does not fall under Title IX, the College may address the allegations under other College policies and provide supportive measures.

COMPLAINANT'S RIGHTS

Peirce College is committed to providing options, support, and assistance for all Complainants of reported campus-related sexual discrimination. We commit to:

- Provide information about the College's sexual discrimination policy;
- Treat you with respect, dignity, and sensitivity throughout the process;
- Refer you to available resources and how to access these resources, including counseling;
- Support your right to choose an advisor, which may be an attorney, for guidance through the investigation, hearing and/or appeal process;
- Inform you of the option to notify law enforcement, and the option to be assisted by campus personnel in notifying such authorities;
- Explain and implement reasonable Supportive Measures (described below)
- Support your right to be free from retaliation by the institution, the Respondent, witnesses, and/or their friends, family and acquaintances within the jurisdiction of the College, as a result of filing a report and/or your involvement in an investigation;
- Promptly respond to any retaliation or discrimination you experience based on your involvement in this process.

RESPONDENT'S RIGHTS

If you have been named in a complaint of sexual discrimination, Peirce College Commits to:

- Provide information about the College's sexual discrimination policy;
- Treat you with respect, dignity, and sensitivity throughout the process;
- Refer you to available resources and how to access these resources, including counseling;
- Support your right to choose an advisor, who may be an attorney, for guidance through the investigation, hearing, and/or appeal process;
- Provide written notice of the nature of the complaint filed against you;
- Explain and implement reasonable Supportive Measures (described below)
- Support your right to be free from retaliation by the institution, the Complainant, witnesses, and/or their friends, family and acquaintances within the jurisdiction of the College, as a result of filing a report and/or your involvement in an investigation;
- Promptly respond to any retaliation or discrimination you experience based on your involvement in this process.

FAIR GRIEVANCE PROCESS

Whether through an informal or formal process, Peirce College will provide a prompt, fair and impartial investigation and resolution to evaluate Formal Complaints of Sexual Harassment. If extenuating circumstances will delay the proceedings, the College will inform both the Complainant and Respondent of the circumstances.

The Title IX personnel recognize the gravity of the complaint for both the Complainant and Respondent and have a responsibility to objectively evaluate all of the relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent, or witness. Title IX personnel must be free from conflicts of interest or bias for or against the parties involved in the complaint and will recuse themselves from the process, if they feel unable to uphold these standards.

The formal process follows progressive steps beginning with the complaint and an investigation to gather evidence. A written report of the evidence will be provided to both Parties. If the complaint is not resolved informally or dismissed, the evidence and testimony will be presented at a live hearing to a Hearing Panel, where both Parties will have the opportunity to present evidence, witnesses, and have their advisors ask questions. Once the Hearing Panel renders a decision, both Parties have the opportunity to appeal.

Informal Resolution Process

As an alternative to the formal resolution process, both parties can voluntarily agree to an informal resolution process, through which Formal Complaints may be resolved without a live hearing, often through communication, education, and/or mutual agreement. After a Formal Complaint has been filed, both parties can voluntarily through informed written consent agree to the informal resolution process. The process is not required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual discrimination. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Peirce College will not offer or facilitate an informal resolution process to resolve allegations of sexual discrimination of an employee against a student.

The goal of informal resolution is to resolve concerns at the earliest stage possible, with the cooperation of the Parties involved. Efforts for early resolution will be flexible and encompass a full range of possible outcomes, including, but not limited to addressing the Respondent, participating in mediation (which may be ended at any time by either Party in favor of the formal process), or arranging a remedy for the Complainant and/or agreement by Respondent to accept a disciplinary sanction. The informal resolution process could include by way of example: separating the parties; referring the parties to counseling; conducting targeted educational and training programs; or providing remedies to the Complainant

If the matter is resolved informally to the satisfaction of all parties, the Title IX Coordinator will maintain a record of the complaint and its resolution.

If informal resolution is not possible, the Formal Complaint will proceed to formal resolution of the complaint.

Role of an Advisor

The Complainant and Respondent are permitted to choose an advisor who may be present during the grievance process, including meetings, interviews, hearings, and appeals. Complainants and Respondents may have any individual of their choosing serve as an advisor, including an attorney, friend, or a family member. If a Party does not have an advisor for the live hearing, the College will provide one. A party may reject a College appointed advisor and choose their own advisor, but they may not proceed to the live hearing without an advisor. An advisor may not speak on behalf of the individual, including answering questions for them. During the hearing, the advisor – not the Complainant or Respondent – will conduct cross-examination of the Parties and witness.

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

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

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

Supportive Measures

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

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

Once the Title IX Coordinator receives a report, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this policy. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

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

Where the reported conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may suspend a student or impose leave for an employee. Pending resolution of the complaint, the individual may be denied access to the campus and/or all other College activities or privileges for which the student/employee might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited timeframe.

Investigation

The College will investigate Sexual Harassment allegations in a Formal Complaint signed by a Complainant or the Title IX Coordinator. The Title IX Coordinator will respect the Complainant's wishes as to whether the College investigates an allegation of Sexual Harassment, unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the College community. The College may consolidate Formal Complaints where the allegations arise out of the same facts.

In response to a Formal Complaint, the Title IX Coordinator will provide written notice of the allegations to the known parties along with a description for the grievance process with sufficient time for the Parties to prepare a response before their initial interview. The written notice will include: 1) the identity of the Parties (if known); 2) conduct alleged to be sexual discrimination; 3) the alleged incident's date and location; 4) a statement that the Respondent is presumed not responsible until a determination is made at the end of the grievance process; 5) a statement informing the Parties that each is entitled to choose an advisor; and 6) a statement informing the Parties that the College's code of conduct prohibits knowingly making false statements. The Parties will also be provided with separate written notice of any investigative interview, meeting or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting.

Title IX personnel will gather evidence, interview the Complainant, Respondent and witnesses, giving both Parties an equal opportunity to present facts and witnesses and have their advisor present at all meetings. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings. The Parties are permitted to discuss the allegations and gather their own evidence. The College has the burden of proof, meaning the College is responsible for collecting evidence. The College is prohibited from using records made or maintained by medical or mental health professionals without the Party's voluntary, written consent.

The Parties will have two opportunities to review the evidence. The Title IX Coordinator will send the Parties and their advisors evidence directly related to the allegations, in electronic format or hard copy, with ten (10) days to inspect, review, and respond to the evidence. Before the investigation report is

complete, the Title IX Coordinator will send the Parties and their advisors an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least ten (10) days for the parties to respond. Taking the Parties responses into account, the Title IX Coordinator finalizes the investigative report.

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

Formal Complaint Dismissal

The College must dismiss a Formal Complaint if the allegations do not meet the definition of Sexual Harassment, did not occur in the College's education program or activity, or did not occur against a person in the United States. The College may dismiss a Formal Complaint if: 1) the Complainant informs the Title IX Coordinator in writing that the Complainant desires to withdraw the Formal Complaint; 2) if the Respondent is no longer enrolled or employed by the College; or 3) if specific circumstances prevent the College from gathering sufficient evidence to reach a determination. In the event of a dismissal, both Parties will be provided a written notice of dismissal and the reasons for the dismissal.

Dismissal does not preclude action by the College under other Policies described in the *Handbook for the Employees of Peirce College, Undergraduate College Catalog, and Graduate College Catalog*, including but not limited to:

EMPLOYEE	STUDENT
Code of Ethics	Code of Student Conduct & Responsibility
Equal Employment Opportunity	Equal Opportunity
Acceptable use of College Information Technology	Acceptable Use of College Information Technology
Workplace Health, Safety & Security	Campus Safety & Security
Mandatory Child Abuse Reporting	Violation of Copyright Laws
	Academic Progress, Probation and Dismissal
	Academic Honesty

Unless otherwise dismissed or resolved, once the investigation is complete, the Formal Complaint will proceed to live hearing.

Live Hearing

The Complainant and the Respondent with their advisors will have an equal opportunity to participate in a live hearing. The live hearing is facilitated by the Hearing Panel, separate from the Title IX Coordinator and investigator. The Hearing Panel is comprised of trained College personnel who must be free from conflicts of interest or bias for or against the Parties and will recuse themselves from the process, if they feel unable to uphold these standards.

The Live hearing will be conducted directly, orally, and in real time by the party's advisor and not by a party personally. The hearing will be conducted with all parties physically present, or at the College's discretion, any or all parties may appear using technology to facilitate the hearing, as long as the Hearing Panel and Parties can simultaneously see and hear the Parties and witnesses asking and responding to the questions. At the request of either party, the College will provide for the entire live

hearing (including cross-examination) to occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other. The College will produce an audio or audiovisual recording of the hearing. The presiding official of the Hearing Panel cannot be the Title IX Coordinator, Deputy Coordinator(s), or the investigator(s).

The investigative report, witnesses, exculpatory and inculpatory evidence will be presented. While the Parties cannot directly question each other, their advisors can cross-examine the other Party and all witnesses with relevant questions and follow-up questions, including those challenging credibility. The presiding official will determine relevance before the question is answered and provide an explanation if any question is deemed not relevant. Questions related to a Complainant's prior sexual history are deemed not relevant, unless offered to prove someone else was responsible for the alleged conduct, or, if related to the Complainant's prior sexual behavior with the Respondent, are offered to prove consent.

A Party does not have to submit to live cross-examination. If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel shall not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Deliberations of the Hearing Panel will be conducted without the Parties present and without recording.

Written Determination

The Hearing Panel will issue a written determination regarding responsibility, which includes the allegations of Sexual Harassment, a description of the procedural steps taken (from Formal Complaint through the live hearing), and the findings of fact. In addition, the written determination must include conclusions of how the policy was applied to the facts and a statement with rationale detailing the result of each allegation. The determination also must list any imposed sanctions and remedies along with how to file an appeal and be delivered to the Parties simultaneously. Factual conclusions shall be based upon a preponderance of the evidence standard (e.g. more likely than not.)

Possible Disciplinary Sanctions

The purpose of disciplinary sanctions for violations of this policy is to educate students/employees about responsible behavior as members of the Peirce College community, to maintain order, and to protect the rights of others. Sanctions will be determined individually and will reflect the nature and severity of the offense. Notwithstanding Peirce College's right to impose a sanction under this Policy, students/employees may also be subject to penalties at the local, state, and federal level.

The College reserves the right in its sole discretion to apply sanctions for a violation of this Policy, including the Violence Against Women Act 2013 ("VAWA") offenses of sexual assault, domestic violence, dating violence and stalking, that appropriately addresses the gravity and frequency of the offense. One or more sanctions may be imposed for any offense. Prior offenses are cumulative and any student/employee found in violation of the same offense or a second offense of equal or greater magnitude may be suspended/administrative leave or expelled/terminated from the College. The failure to comply with an imposed sanction, as directed, can lead to the imposition of more severe sanctions, up to and including suspension/administrative leave or expulsion/termination. The full range of sanctions which may be imposed against a student/employee found in violation of this Sexual Discrimination Policy are:

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- Disciplinary Warning or Reprimand - a disciplinary warning or reprimand is an official written statement of censure;
 - Letter of Apology to the Aggrieved Party - a student/employee may be required to write a letter of apology to the aggrieved party;
 - Requirement to Seek Counseling - the student/employee shall be required to provide evidence to the Title IX Coordinator of attendance and completion of counseling by a qualified professional;
 - Participation In, or Conducting, Special Workshops, Classes or Seminars - a student/employee may be required to participate in, or to develop, and present special workshops or seminars related to a Title IX violation;
 - Research Assignments - a student may be required to complete a research assignment on a topic related to the Title IX violation within a specified deadline;
 - Community Service - a student/employee may be required to perform work assignments at the College or in the local community;
 - Persona Non Grata - prohibiting entry into a specific building on campus for a specific amount of time due to interference with the community;
 - Fine - a monetary sanction issued in the form of a charge;
 - No Contact Order - prohibits contact between students/employees when there exists a reasonable concern that physical or psychological harm may result from such contact;
 - Withholding of an Official Transcript - may be imposed upon a student who fails to fulfill sanction requirements for a violation;
 - Delay in Awarding Degrees - the College reserves the right to delay the awarding of any degree.
 - Hold on Registration or Re-Enrollment - may be imposed on a student who has a Title IX case pending;
 - Restitution - reimbursement to compensate for personal injury, property damage, or misappropriation of College or other personal property. It may be in the form of money or services;
 - Disciplinary Probation - disciplinary probation may be imposed for a specified period of time;
 - Suspension/Administrative Leave – suspension/administrative leave from the College; the duration will be determined by the Hearing Panel;
 - Expulsion/Termination – is the most severe sanction that the College may impose and is permanent dismissal from the College. In addition, the student is not eligible for readmission to the College, the employee is not eligible for rehire and students/employees will be permanently barred from Peirce College property and from all College-sponsored events;
 - Other sanctions as deemed appropriate by the Hearing Panel.

If an appeal is not filed within five (5) business days of the written determination, the decision of the Hearing Panel will be final.

Remedies

Remedies are provided to a Complainant whenever a Respondent is found responsible. Remedies are implemented by the Title IX Coordinator and may be disciplinary and punitive. Student Remedies are designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and may include Supportive Measures.

Appeals Process

Both the Respondent and the Complainant have the opportunity to request an appeal of the decision and sanctions rendered by the Hearing Panel. The three grounds upon which an appeal of the decision or sanctions may be made are:

- **Material procedural error:** The Party believes a procedural error occurred, which the Party feels may change or affect the outcome of the decision. The appeal must specify the procedural provision that was violated and the impact of this violation; procedural or technical deviations will not be sufficient to sustain an appeal unless found to have denied the appealing Party a fair process.
- **New material evidence:** The Party has substantive new evidence that was not available to the investigator(s) at the time of the decision and that may change the outcome of the decision. The new evidence must have been previously unknown or unavailable to the Party and pertinent to the case. The appealing Party must provide an explanation as to why the evidence was unknown or unavailable.
- **Conflict of Interest:** The Party believes the Title IX Coordinator, Title IX Deputy Coordinator(s), investigator(s), or a members of the Hearing Panel had a conflict of interest or bias that affected the outcome.

An appeal is not an opportunity to substitute judgement for that of the Title IX personnel and Hearing Panel merely because of disagreement with the finding and/or sanction. In any request for an appeal, the burden of proof lies with the Party requesting the appeal.

The request for an appeal, including the grounds upon which the request is based, must be submitted in writing within five (5) business days following the date of the outcome to the:

- Vice President, Enrollment Management & Student Services for students; or
- Vice President, Finance & Administration for employees

All appeals must clearly cite the grounds for the appeal and the evidence supporting it. Each Party will be notified if an appeal request will be considered and be provided the opportunity to respond.

If the basis for the appeal is a procedural error, new evidence or a conflict of interest with Title IX personnel, the Hearing Panel will determine whether a change in decision is warranted. If the basis for the appeal is a conflict of interest with a member of the Hearing Panel, the two Vice Presidents identified above will jointly review the appeal and determine if a new hearing with a different Hearing Panel is warranted.

Both parties will be notified in writing twenty (20) business days in advance of the date and time of the scheduled appeal hearing. The Hearing Panel will review the appeal, related evidence, and if appropriate, hold a live hearing. The Hearing Panel decision is final. Appeal decisions will be rendered in writing to both Parties within ten (10) business days after the conclusion of the appeal hearing.

The College will keep all records of the investigation, hearing, and appeal - regardless of the outcome - for seven years.

FALSE REPORTS

The College takes the accuracy of information very seriously, as a report of prohibited conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated report of prohibited conduct. However, when a Complainant, Respondent or witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant, Respondent, or witness may be subject to disciplinary action.

RETALIATION PROHIBITION

Peirce College prohibits retaliation against any individual who is a Party to a complaint or has participated in (or refused to participate in) reporting, investigating, or addressing allegations of sexual discrimination. Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a complaint under this policy. Retaliation can take many forms, including threats and intimidation, harassment, and continued abuse or violence. Actions are considered retaliatory if they have a materially adverse effect on the working or academic environment of an employee or student, or if the employee or student can no longer effectively carry out his or her responsibilities.

However, the exercise of rights protected under the First Amendment does not constitute retaliation.

Retaliation includes charging an individual with code of conduct violations that do not involve sexual discrimination, but arise out of the same facts and circumstances as the complaint, if those charges would interfere with any right or privilege secured by Title IX.

However, charging an individual with a code of conduct violation for making a materially false statements in bad faith in the course of a sexual discrimination grievance proceeding does not constitute retaliation.

Any person who believes they have been retaliated against should contact the Title IX Coordinator.

TRAINING

The College ensures that its Title IX personnel have adequate training. The Title IX Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of the College's Education Program or Activity, how to conduct an investigation, the College's Grievance Process (including Live Hearings, appeals, and Informal Resolution processes, as applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Members of the Decision Panel are trained on the definition of Sexual Harassment, the Live Hearing process, the technology to be used in Live Hearings, and issues of relevance (including how to apply the rape shield protections provided for Complainants). Informal Resolution facilitators are trained on the Informal Resolution process.

Materials used to train Title IX personnel are posted on the College's website:

<https://www.peirce.edu/content/pdf/compliance/DMi-Webinar-TitleIX.pdf>

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

BIAS/CONFLICT OF INTEREST

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact either of the individuals listed below:

Mr. Brad Hodge, Vice President, Enrollment Management & Student Services

bkhodge@peirce.edu

(215) 670-9210

Ms. Elizabeth Krapp, Vice President, Finance & Administration

emkrapp@peirce.edu

(215) 670-9128

Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator.

DISABILITY ACCOMMODATIONS

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Grievance Process. To request an accommodation contact Ms. Frederica Flippen, Director, Payroll & Employee Services at fclippen@peirce.edu or (215) 670-9224.