

# SEXUAL MISCONDUCT POLICY

**PTC** PITTSBURGH  
TECHNICAL COLLEGE

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## I. SUMMARY

The term “sexual misconduct” is a broad term used to refer to all the prohibited sexual violence and sexual harassment behaviors under this policy. As used in this policy, sexual misconduct may also encompass criminal conduct under Pennsylvania and/or federal law. Additionally, sexual misconduct under this policy may result in civil and/or administrative legal consequences. This policy, created as a model policy for handling allegations of sexual misconduct, was developed by the Commonwealth of Pennsylvania and is available for use by any postsecondary institution located within this Commonwealth that is authorized to grant an associate degree or higher academic degree.

## II. DEFINITIONS

- A. **Consent** – A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity. In order to be valid, consent must be knowing, voluntary, active, present, and ongoing. An individual cannot consent if incapacitated due to alcohol, drugs, or sleep, or otherwise without the capacity to provide consent due to an intellectual or other disability or other condition.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of a drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination.

When determining whether a person has the capacity to provide consent, Pittsburgh Technical College (PTC) will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether consent has been provided, all the circumstances of the relationship between the parties will be considered.

- B. **Intimate-Partner Violence** – An act of violence or threatened act of violence by or against one person who is, or has been, involved in a sexual,

dating, domestic, or other intimate relationship with another person. This includes:

1. **Dating Violence** – Violence, including but not limited to sexual or physical abuse, or the threat of such violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person. The existence of such a relationship will be determined based on the reporting party's statement and other relevant information, taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. **Domestic Violence** – Violence, including but not limited to sexual or physical abuse, or the threat of such violence, committed by a current or former spouse, or sexual or intimate partner; a person who is living as a spouse or who lived as a spouse; parents and children; other persons related by blood or marriage; or by someone with whom the person shares a child in common. Under the criminal laws of Pennsylvania, certain offenses, including but not limited to, rape, aggravated assault, and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

C. **Sexual Assault** – This includes the following:

1. **Sexual Penetration Without Consent** - Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when consent is not present. This includes performing oral sex on another person when consent is not present.
2. **Sexual Contact Without Consent** - Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to touch or fondle oneself or someone else similarly.
3. **Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to

sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity with anyone they choose, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute.

4. Federal Definition for purposes of Title IX: Conduct on the basis of sex that satisfies one or more of the following:
    - a. A PTC employee, representative, vendor, or service provider of the College conditioning the provision of aid, benefit, or service of PTC on an individual's participation in unwelcome sexual conduct.
    - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the PTC education program or activity; or sexual assault, dating violence, domestic violence, or stalking as described in this section.
- D. **Sexual Exploitation** – Taking sexual advantage of another person or violating the sexual privacy of another when consent is not present. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices): Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
1. Indecent exposure or inducing others to expose themselves when consent is not present; Recording or distributing information, images, or recordings of any person engaged in sexual or intimate activity in a private space without that person's consent.
  2. Prostituting another individual;
  3. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
  4. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

- E. **Sexual Harassment** – Unwelcome conduct of a sexual nature where either or both of the following are present:
1. Quid pro quo: Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or education, including participation in any [ Name of Institution] program and/or activity; or
  2. Hostile Environment: Such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from PTC's education or employment programs and/or activities. The existence of a hostile environment is to be judged both objectively (meaning a reasonable person would find the environment hostile) and subjectively (meaning the impacted individual felt the environment was hostile).
  3. A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.
- F. **Stalking** – Engaging in a course of conduct or repeatedly communicating and/or committing acts toward another person under circumstances that demonstrate or communicate an intent:
1. to place the other person in reasonable fear of bodily injury or
  2. to cause substantial emotional distress to the other person.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

- G. **Retaliation** – Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. A finding of retaliation under this policy is not dependent on a finding that the underlying sexual misconduct occurred.
- H. **Supportive Measures** – Are confidential measures to be offered to both the complainant and respondent once the Title IX Coordinator receives a formal complaint or other notification of sexual misconduct. These measures may include counseling, deadline extensions, course-related adjustments, modification of work or class schedules, campus escort services, restrictions on contact between parties, change in work or housing locations, leaves of absence, increased security, and monitoring of certain areas, and other measures.
- I. **Officials with Authority (OwA, a.k.a., Responsible Employee or Campus Security Authority)** - Title IX uses the concept of actual knowledge, and imposes obligations for a “prompt and effective remedy” on colleges and universities when a notice of sexual misconduct is received by an “Official with Authority.”

An OwA includes any employee who has the authority to take action to redress the harassment, who has the duty to report sexual harassment to appropriate PTC officials, or an individual who a student could reasonably believe has this authority or responsibility. Depending on the level of involvement with student activities, some faculty members are considered “Officials of Authority,” and some are not.

PTC provides a list of “[Officials with Authority](#)” on the Consumer Information page of its website.

- J. **Formal Complaint** – A complaint of alleged sexual misconduct that is either mailed, hand-delivered, or electronically delivered via email or online form to the Title IX Coordinator or an OwA that includes a physical or digital signature, or otherwise indicates who is filing the complaint (complainant).

The complainant will receive a prompt response from the Title IX office that will include an offer of supportive measures in order to ensure that all

involved parties are provided equal access to PTC education programs and activities.

- K. **Anonymous Complaint** – A notification of alleged sexual misconduct sent to the Title IX Coordinator or an OWA that does not include personally identifiable information about the complainant. The college will make a good faith effort to offer supportive measures to parties involved based on the information provided in the notification.

Individuals who file an anonymous complaint may choose to submit a formal complaint at any time to initiate an investigation.

### III. POLICY

#### A. TITLE IX, VAWA AND NONDISCRIMINATION STATEMENT

PTC prohibits any form of discrimination and harassment on the basis of race, ethnicity, color, religion, national origin, disability, veteran status, sexual orientation, sex, gender identity, genetic information, or any other protected category under applicable local, state or federal law in any decision regarding admissions, employment, or participation in a PTC program or activity in accordance with the letter and spirit of federal, state, and local nondiscrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, Allegheny County Ordinance 4201-08, and the Pennsylvania Human Relations Act.

PTC also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled. PTC has designated the Title IX Coordinator, Nancy Starr, [starr.nancy@ptcollege.edu](mailto:starr.nancy@ptcollege.edu) or 412-809-5311, with the assistance of the Deputy Title IX Coordinator, Gloria Ritchie, [ritchie.gloria@ptcollege.edu](mailto:ritchie.gloria@ptcollege.edu) or 412-809-5126, to coordinate PTC's compliance with Title IX and VAWA and to respond to reports of violations. PTC has directed the PTC Police Department, to



coordinate PTC's compliance with the Clery reporting related VAWA requirements. PTC will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and redress its effects on any individual or the community.

## **B. SCOPE OF POLICY**

This policy applies to all on- and off-campus conduct that is likely to have a substantial adverse effect on any member of the PTC community. There is no time limit for reporting allegations of sexual misconduct. However, PTC strongly encourages the prompt reporting of sexual misconduct to allow the college to respond promptly and effectively. If the reported respondent is not a member of the PTC community or is no longer associated with PTC at the time of the report or at the time a resolution process is initiated, PTC may be unable to conduct an investigation or take disciplinary action.

Please see the Reporting Sexual Misconduct section below to make a report of misconduct, discrimination, harassment, or to file a complaint.

## **C. STATEMENT ON PRIVACY AND CONFIDENTIALITY**

PTC is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Every effort will be made to protect the privacy interests of all individuals involved. Privacy, confidentiality, and privilege have distinct meanings under this policy.

Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited circle of individuals, including individuals who "need to know" in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation of sexual misconduct, including advisors and witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties and will be asked to keep any information learned in an investigation meeting or hearing confidential, to the extent consistent with applicable law.

Certain individuals are designated as having confidentiality. For reports made to an individual designated with having confidentiality, PTC will respect the reporting

party's expectations of privacy **to the extent permissible by law** while still ensuring compliance with other reporting obligations. For example, complaints involving minors are subject to mandatory reporting requirements.

Individuals designated as having confidentiality are required to report the nature, date, time, and general location of an incident to the Title IX Coordinator. Confidential resources will not share other information with the Title IX Coordinator or any other employee of PTC without the express permission of the disclosing party. PTC Counseling can provide information about PTC and off-campus resources, support services, and other options.

As noted above, because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential resource does not constitute a report or complaint to PTC and will not result in a response or intervention by the college. A person consulting with a confidential resource may later decide to file a complaint with PTC and/or file a report with law enforcement.

- PTC Counseling, 800-647-3327, is located at the North Fayette Campus. Counseling is available to all PTC students, faculty, and staff.
- [Pittsburgh Action Against Rape](#), 1-866-363-7273, 81 S 19th St, Pittsburgh, PA 15203. Experienced, trained counselors and advocates provide services that are completely confidential, and just a phone call away. PAAR is dedicated to assisting victims of sexual abuse and ending sexual violence in our community.
- [Resolve Crisis Center](#), 1-888-796-8226, resolve is a 24-hour, 365-day crisis service. It's free to all residents of Allegheny County, regardless of your ability to pay.

PTC will generally respect a complainant's choice of whether to report an incident to local law enforcement or initiate PTC's sexual misconduct resolution process unless PTC determines that there is an overriding interest with respect to the safety or welfare of PTC community. Where a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), all PTC employees and volunteers are required to notify PTC police and the ChildLine run by the Pennsylvania Department of Human Services. All other members of the PTC community are strongly encouraged to report suspected child abuse to law enforcement or the ChildLine.

All PTC proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX of the Education Amendments of 1972 (“Title IX”), Violence Against Women Act (VAWA), state and local law, and PTC policy. No information will be released from such proceedings, except as required or permitted by law and PTC policy.

PTC may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

#### **D. PROHIBITED CONDUCT**

PTC prohibits the following forms of conduct:

1. Sexual Assault including Sexual Penetration Without Consent, Sexual Contact Without Consent and Statutory Sexual Assault
2. Sexual Harassment
3. Sexual Exploitation
4. Intimate-Partner Violence, including Dating Violence and Domestic Violence
5. Stalking
6. Retaliation

This prohibited conduct can affect all genders, gender identities, and sexual orientations. Some of these prohibited forms of conduct may also be crimes under Pennsylvania or federal law.

#### **E. FREE EXPRESSION AND ACADEMIC FREEDOM**

PTC is firmly committed to free expression and academic freedom and to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community. Sexual misconduct, including retaliation against members of PTC, is not protected expression nor the proper exercise of academic freedom. PTC will consider principles of free expression and academic freedom in the investigation of reports of sexual misconduct or retaliation that involve an individual’s statements or speech.

## **F. ALCOHOL AND DRUG USE AMNESTY**

The health and safety of every student at PTC is of utmost importance. PTC recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. PTC strongly encourages students to report incidents of sexual misconduct. A witness to or individual who experience sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to PTC officials or law enforcement will not be sanctioned under PTC's Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual harassment or sexual violence. PTC may request the individual attend an approved alcohol or drug education program and without assessing any charges for such a program. This amnesty provision also applies to student groups making a report of sexual misconduct. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to the relevant state or federal criminal statutes.

## **IV. REPORTING SEXUAL MISCONDUCT**

### **A. REPORTING OPTIONS**

Any individual, including a third party, may file a complaint concerning alleged sexual misconduct. Complainants and third-parties are encouraged to report sexual misconduct as soon as possible to allow PTC to respond promptly and effectively.

A person who has experienced sexual misconduct under this policy, or a person who witnesses sexual misconduct under this policy, has the right to simultaneously file a complaint with PTC and to pursue a criminal complaint with law enforcement. Victims and witnesses of sexual misconduct have the right to be assisted by PTC in notifying law enforcement authorities of sexual misconduct, or they can decline to notify such authorities. PTC may, however, have a statutory reporting obligation when it becomes aware of certain factual allegations. Parties may also have options to file civil actions in court or with administrative agencies.

PTC has designated the Title IX Coordinator to oversee complaints of sexual misconduct at PTC. An individual who has experienced sexual misconduct has the right to choose whether to report the incident to Nancy Starr,

[starr.nancy@ptcollege.edu](mailto:starr.nancy@ptcollege.edu) at 412-809-5311, or the Deputy Title IX Coordinator, Gloria Ritchie, [ritchie.gloria@ptcollege.edu](mailto:ritchie.gloria@ptcollege.edu) at 412-809-5126, for investigation. PTC's Title IX office is located on the third floor of the Main Academic Building at 1111 McKee Road, Oakdale, PA 15071. These officials are trained to work with individuals who report sexual misconduct and have knowledge about resources and services, both on and off-campus, including the availability of supportive measures.

To file a complaint using PTC's online reporting form, visit the PTC website's Consumer Information page and select the Title IX Discrimination [Complaint Form](#).

Individuals may contact PTC's Title IX Coordinator or OWA to set up a meeting to discuss a complaint involving sexual misconduct. You can also call or email for general information.

The Title IX Coordinator/designee, in consultation with the PTC Police Department, and others (as necessary), will conduct an initial assessment of the conduct, the reporting party's desired course of action, and the necessity for any supportive measures to protect the safety of the complainant or the community. The goal is to eliminate any hostile environment. If a report of misconduct discloses a serious or immediate threat to the campus community, PTC will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the complainant.

Please Note: Title IX Coordinators are not a confidential source of support. While they will address your complaint with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. For confidential resources, please contact the aforementioned organizations.

**Please Also Note:** Making a report is different from filing a complaint. A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator/designee by any Official with Authority or reporting person. A report may be accompanied by request for (1) supportive or interim measures; (2) no further action; or (3) a request to initiate a formal resolution process. Filing a formal complaint also initiates the PTC formal disciplinary process, as outlined in this document, and detailed in the [Code of Student Conduct](#).

## **B. ELECTRONIC AND ANONYMOUS REPORTING**

You may also file a complaint of alleged sexual misconduct using the appropriate links below. While anonymous complaints are accepted, PTC's ability to address misconduct reported anonymously is significantly limited.

Individuals may use this [link](#) to electronically file a complaint of alleged sexual misconduct with PTC.

Individuals may also file a report by phone, mail, in-person, or electronically by email to [starr.nancy@ptcollege.edu](mailto:starr.nancy@ptcollege.edu). An email with information about resources and options will be sent in response to reports filed electronically.

## **C. CRIMINAL REPORTING OPTIONS**

PTC police are employees of PTC and obligated to report incidents of sexual misconduct that also constitute criminal conduct of which they become aware during the scope of their investigation to the Title IX Coordinator/designee, regardless of whether the individual who is making the report chooses to pursue criminal charges.

- **PTC Police Department:** 1111 McKee Road, Oakdale, PA 15071, 412-809-5300 – Office is located on the second floor of the main academic building.
- **North Fayette Police Department:** 400 N Branch Rd, Oakdale, PA 15071, 724-693-8400
- **Pennsylvania State Police:** 449 McCormick Rd, Coraopolis, PA 15108, (412) 787-2000

A complainant may seek resolution through PTC's formal resolution process. A complainant may also seek to initiate a criminal complaint, independent of or parallel with any resolution process of PTC. The college's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. Neither law enforcement's decision whether to prosecute nor the outcome of any criminal prosecution is determinative of whether sexual misconduct has occurred under this policy. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when PTC may need to temporarily delay its investigation while law enforcement gathers evidence. However, PTC will

generally proceed with its investigation and resolution of a complaint even during the time of a pending law enforcement investigation.

#### **D. EXTERNAL REPORTING OPTIONS**

A person may file a complaint with the U.S. Department of Education's [Office for Civil Rights](#) regarding an alleged violation of Title IX. Complaints may also be filed by phone 1-800-421-3481 or email at [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov).

Additionally, a person may also file a complaint with the [Pennsylvania Human Relations Commission](#) online or by calling 717-787-9780 for the Harrisburg Regional Office; 412-565-5395 for the Pittsburgh Regional Office; or 215-560-2496 for the Philadelphia Regional Office.

Employees may file a charge with the [Equal Employment Opportunity Commission](#) regarding an alleged violation of Title VII, either online or by calling 1-800-669-4000.

#### **E. REPORTING OBLIGATIONS OF PTC**

Designated PTC employees are considered "[Officials with Authority](#)" under Title IX and are obligated to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator or designee. Confidential resources may receive and consider reports of sexual misconduct privileged or confidential.

#### **F. ASSESSMENT AND TIMELY WARNINGS**

The Title IX Coordinator/designee in consultation with PTC Police Department, and others (as necessary) will conduct an initial assessment of the conduct, the reporting party's desired course of action, and the necessity for any interim measures or services to protect the safety of the complainant or the community. The goal is to eliminate any hostile environment. If a report of misconduct discloses a serious or immediate threat to the campus community, PTC will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the complainant.

## **V. SEXUAL MISCONDUCT RESOLUTION PROCESS**

### **A. PARTICIPANT ROLES**

1. A complainant is a person who has been impacted by an alleged policy violation and has chosen to participate in the resolution process.
2. A respondent is a person who is alleged to have violated PTC policy.
3. Parties is a term that refers to the complainant and the respondent collectively.
4. A witness is a person who has knowledge related to specific aspects of a case and may have reported such aspects to the institution.
5. An advisor is a support person, who may or may not be an attorney, who can be present to provide support to a complainant or respondent throughout an investigation and/or hearing provided the choice of advisor does not unduly delay the process. Advisors may not speak, write, or otherwise communicate with investigators, conduct administrators, hearing panel members, or appeal reviewers on behalf of the party being advised. Each party is responsible for coordinating and scheduling with their choice of advisor. A union representative may serve as an advisor, where applicable.

All participants have the responsibility to be truthful with the information they share at all stages of the process. Any individual who knowingly or intentionally provides false information as part of a report or investigation under this policy may be subject to discipline. This provision does not apply to a good faith report that is not substantiated or proven by a preponderance of the evidence.

### **B. CONFLICT OF INTEREST**

Parties have the opportunity to raise the issue of a potential conflict of interest or bias within two (2) days of being advised of the identity of the investigator, panel member, or appeal reviewer. The Title IX Coordinator/designee will determine whether a conflict of interest exists. No investigator, panelist, or appeal reviewer will make findings or determinations in a case in which they have a conflict of interest or bias.



**C. BURDEN OF PROOF**

The burden of proof refers to who has the responsibility of showing a violation has occurred. It is always the responsibility of PTC to satisfy the burden of proof. The respondent does not have the burden to prove that a violation did not occur. Respondents may decide not to share their side of the story or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from PTC and does not indicate responsibility. Additionally, the PTC Police Department shall not make an adverse inference against a respondent for the respondent's refusal to participate in an investigation or hearing, nor will the respondent's refusal to participate result in increased sanctions if the respondent is found responsible for the accusations.

**D. STANDARD OF PROOF**

PTC uses the preponderance of the evidence (more likely than not) standard in investigations of complaints alleging sexual misconduct and any related violations. This means that the investigation determines whether it is more likely than not that a violation of the policy occurred.

**E. TIMELINE FOR RESOLUTION**

PTC will resolve all cases in a prompt and timely manner. However, the timeline will vary based on the circumstances of the case, including breaks in the academic calendar, availability of the parties and witnesses, the scope of the investigation, the need for interim actions, and unforeseen or exigent circumstances. The parties will be periodically updated on the status of their case.

**F. TITLE IX OUTREACH**

Upon receipt of a report of sexual misconduct, the Title IX Coordinator or designee will provide resources and support information by contacting the potential complainant and offering an initial meeting between the reporting party and the Title IX Coordinator or designee. The initial meeting is optional, and the reporting party may decline. The purpose of the initial meeting is for the Title IX/designee to gain a basic understanding of the nature and circumstances of the report and provided information about resources, supportive measures, and resolution options to the reporting party.

### **G. INITIAL INQUIRY**

PTC will conduct a preliminary inquiry to determine if the allegations, if true, would rise to the level of a violation of PTC policy. The possible next steps include the following: (1) A decision to close the case when insufficient evidence exists to move forward or because the allegation, even if proven, would not violate PTC policy; (2) Informal Action (see below); or (3) Formal Resolution (see below).

### **H. INTERIM AND SUPPORTIVE MEASURES**

When PTC becomes aware of an allegation of sexual misconduct and the complainant or other affected parties, including the respondent, request interim or supportive measures, PTC will take appropriate supportive and interim measures to protect affected parties, to assist the parties, and to protect against retaliation. PTC may also take interim measures to protect the PTC community at large.

1. Supportive Measures. The following are examples, but not an exhaustive list, of supportive measures: Making appropriate changes to academic programs, including changes in class schedule, accommodations to permit the affected party to take an incomplete or drop a course or courses without penalty, permitting the affected party to attend a class via skype or other alternative means, providing an academic tutor, or extending deadlines for assignments;
  - a. Making appropriate changes to on- or off-campus residential housing situations or providing assistance in finding alternate housing;
  - b. Changing an employee's work assignment or schedule;
  - c. Providing the affected party with an escort to and from class or campus work location;
  - d. Arranging appropriate transportation services to ensure safety;
  - e. Providing information on available counseling services through the counseling center or other appropriate office, or referral to an off-campus agency;

- f. Assisting the affected party in obtaining medical and other services, including access to rape crisis centers;
- g. Assistance with filing a criminal complaint and/or seeking an order of protection; and/or
- h. Enforcing a protection from abuse order.

Supportive measures will be individualized and appropriate based on the information available, making every effort to avoid depriving any student of their education or impacting employment. The measures needed by each party may change over time, and parties should communicate with PTC throughout the resolution process to ensure the supportive measures are effective.

## 2. Interim Measures

- a. No Contact Orders - When a respondent is a student employee or volunteer of the institution, the complainant has the right to request PTC-issued “no contact order” under which continued intentional contact with the complainant would violate this policy. No contact orders may be issued for both the complainant and the respondent, as well as other individuals as appropriate.
- b. Interim Suspension - In exceptional circumstances where it is determined that a respondent is a continuing threat to the health and safety of the community, PTC may seek an emergency interim suspension of a student or take similar emergency measures against an employee, consistent with applicable PTC policy and collective bargaining agreements. For students who are given an interim suspension, PTC will convene a hearing within ten (10) working days, unless extenuating circumstances warrant an extension, in which case a hearing shall be provided at the earliest possible date.

## 3. Process for Review of Interim Measures

- a. For students who are given an interim suspension, PTC will convene a hearing within ten (10) working days, unless extenuating circumstances warrant an extension, in which case a hearing shall be provided at the earliest possible date.

- b. For interim measures involving employees, PTC will follow applicable requirements in PTC policy and relevant collective bargaining agreements.

#### **I. FORMAL RESOLUTION NOTIFICATION TO RESPONDENT –**

If a case is referred for formal resolution, the respondent will be notified of the alleged misconduct and given an opportunity to respond. The notification will include the allegations, identities of the parties involved, the specific section(s) of PTC policy allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the incident (if known). This notice will be given before any initial interview. PTC may modify the list of policies allegedly violated based on additional information learned during the investigation.

1. Acceptance of Responsibility - Prior to the conclusion of a sexual misconduct investigation, the respondent may elect to take responsibility for the prohibited conduct by contacting the Title IX Coordinator /designee in writing. The Title IX Coordinator/designee will issue a brief outcome determination summarizing the allegations and stating the respondent has accepted responsibility, and refer the matter to the appropriate office for sanctioning. Following the determination of sanctions, parties may appeal the sanctions but not the finding(s) of responsibility.
2. Investigation – Employees: PTC will follow applicable requirements in the Policy Manual (published on the intranet) for investigations of respondents who are employees. Students: For investigations of student respondents, PTC will follow applicable requirements in the Student Code of Conduct (published on the Consumer Information page of the website).
3. Hearing- Employees: PTC will follow applicable requirements in the Policy Manual (published on the intranet) for hearings for respondents who are employees. Students: PTC will follow applicable requirements in the Student Code of Conduct (published on the Consumer Information page of the website) for hearings for respondents who are students.

4. Sanctioning – Employees: PTC will follow applicable requirements in the Policy Manual (published on the intranet) for sanctions for respondents who are employees. Students: PTC will follow applicable requirements in the Student Code of Conduct (published on the Consumer Information page of the website ) for sanctions for respondents who are students.

## **J. APPEAL**

The complainant or respondent may appeal the hearing outcome and/or sanction(s). Any party may request an appeal of the conduct hearing decision by filing a written request using the [Request for Appeal](#) form.

Employees: for appeals by parties who are employees, PTC will follow applicable requirements in the Policy Manual (published on the intranet). Students: for appeals by parties who are students, PTC will follow applicable requirements in the [Appeals Process](#) policy.

In the event sanctions were imposed, it shall be at the discretion of the Title IX Coordinator or designee and disciplinary committee whether the sanctions shall be implemented or stayed pending resolution of an appeal.

The limited grounds for appeal are as follows:

1. An error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.); and/or
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and/or
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

## **VI. RIGHTS/RESPONSIBILITIES**

1. Reports and complaints have different meanings. An individual has a right to make a report of sexual misconduct to PTC, which may be

accompanied by a request for supportive measures. An individual also has a right to make a complaint of sexual misconduct, which is a request to initiate PTC's informal resolution process or a formal disciplinary process, which includes an investigation and may proceed to a formal hearing.

2. Prior to the conclusion of a sexual misconduct investigation, the reporting party may request to withdraw the complaint by contacting the Title IX Coordinator/designee in writing. He or she will determine whether to close the case or conclude the investigation without the complainant's continued participation.
3. An individual also has the right to report sexual misconduct to law enforcement, separate and apart from any report or complaint made to PTC.
4. At the time a report is made, the reporting party does not have to decide whether to file a complaint or make a report of sexual misconduct to law enforcement.
5. An affected party has the right to request supportive measures from PTC, which may include interim contact restrictions.
6. The reporting party has the right to seek medical treatment to address physical and mental health and to preserve evidence.
7. A report may become a formal complaint, either initiated by the reporting party or PTC, depending on the outcome of the Title IX assessment. To file a complaint, please contact the Title IX Coordinator/designee.

## **VII. APPENDIX**

- A. [TITLE IX DISCRIMINATION GRIEVANCE FORM](#)
- B. [TITLE IX DISCRIMINATION GRIEVANCE PROCEDURES](#)
- C. [SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS](#)
- D. [TITLE IX HANDBOOK](#)

- E. [CODE OF STUDENT CONDUCT](#)
- F. [CAMPUS FIRE SAFETY AND SECURITY REPORT](#)