



# TITLE IX DISCRIMINATION

# GRIEVANCE PROCEDURES

## Contents

TITLE IX DISCRIMINATION GRIEVANCE PROCEDURES.....	3
I. OVERVIEW OF TITLE IX PROTECTIONS .....	3
II. OVERVIEW OF TITLE IX GRIEVANCE PROCEDURES .....	5
A. RESPONSIBILITIES OF THE TITLE IX COORDINATOR: .....	5
B. PRELIMINARY INQUIRY: .....	5
C. WRITTEN NOTICE OF ALLEGATIONS: .....	6
D. FORMAL HEARING: .....	6
III. TITLE IX DISCRIMINATION HEARING AUTHORITY .....	6
A. AUTHORITY: .....	6
B. GATEKEEPING:.....	7
C. HEARING OFFICIALS: .....	7
D. APPEAL HEARING DECISION-MAKER:.....	8
E. INTERPRETATION AND REVISION:.....	8
IV. FORMAL TITLE IX DISCRIMINATION HEARINGS AND APPEALS .....	9
A. PITTSBURGH TECHNICAL COLLEGE (PTC) AS CONVENER:.....	9
B. AMNESTY: .....	10
C. NOTICE OF ALLEGED VIOLATION: .....	10
D. INVESTIGATION:.....	11
E. REVIEW OF INVESTIGATION MATERIALS .....	13
F. NOTICE OF HEARING:.....	14
G. INTERIM ACTION:.....	15
H. HEARING OPTIONS & PREPARATION: .....	15
I. HEARING PROCEDURES:.....	16
J. REMEDIES.....	17
K. PARENTAL NOTIFICATION .....	18
L. NOTIFICATION OF OUTCOMES.....	19
M. FAILURE TO COMPLETE REMEDIES .....	20
N. APPEAL REVIEW PROCEDURES.....	20
O. GROUNDS FOR APPEAL REQUESTS .....	20
P. OTHER GUIDELINES FOR APPEALS .....	22
Q. RECORDKEEPING .....	22

# TITLE IX DISCRIMINATION GRIEVANCE PROCEDURES

## I. OVERVIEW OF TITLE IX PROTECTIONS

Title IX of the Education Amendments of 1972 protects people from sex discrimination in education programs or activities that receive Federal financial assistance. Title IX states:

*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 compliance with Title IX, PTC must respond to sexual harassment when it occurs within an “education program or activity” against a person in the United States.

An “education program or activity” includes locations, events, or circumstances over which Pittsburgh Technical College (PTC) exercises substantial control as to both the respondent and the context in which the sexual harassment occurred. Title IX applies only to conduct that occurs in the United States, not to any incident that occurs on foreign soil, including during a school-sponsored study abroad program or other activity.

If the alleged conduct does not constitute “sexual harassment,” does not occur within an “educational program or activity,” or does not occur in the United States, PTC will dismiss the complaint for purposes of Title IX. However, the college is permitted to address such allegations through its code of conduct, Title VII, or other policies and/or regulations.

*For purposes of Title IX, “sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:*

1. *An employee of an institution conditioning the provision of aid, benefit, or service of the institution on an individual’s participation in unwelcome sexual conduct.*
2. *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 recipient’s education program or activity.*
3. *“Sexual assault,” “dating violence,” “domestic violence,” or “stalking,” as defined in the [20 U.S. Code § 1092 \(f\)\(6\)\(A\)\(v\)](#) and [34 U.S.C. 12291 \(a\)\(10\), \(a\) \(8\), and \(a\) \(30\)](#), respectively.*

This definition may also be found in PTC's Sexual Misconduct Policy (herein referred to as "Policy"), located on the [Consumer Information](#) page of the college website.

The following procedures are to provide a general idea of how PTC's Title IX Discrimination proceedings work. However, it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible and may not be the same in every situation, though consistency in similar situations is a priority.

These procedures and all applicable timelines commence once the Title IX Coordinator or Official with Authority (OWA, a.k.a., Campus Security Authority) receives a complaint of Title IX Discrimination. PTC officials shall complete all investigations as promptly as possible and, in most cases, within 60 working days. A designated college official may extend this deadline if necessary. The entire process, the hearing included, typically does not exceed 90 days.

Once a complaint is received from any source (Complainant, RA, third-party, online, etc.), PTC will proceed by immediately contacting the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without filing a formal complaint, and explain to the Complainant the process for filing a formal complaint.

In the event that a student worker is the Complainant, PTC will first follow the Title IX process (student protections) before engaging in the Title VII (employee protections) process.

Title IX states that until the allegations are supported by evidence that meets the "more likely than not" standard, the college is to presume the respondent is not responsible for the alleged conduct. This presumption does not imply that a respondent is truthful or that a complainant is lying, only that a violation of the Policy must be supported by evidence and not assumed. The "presumed not responsible" requirement dictates that, except in cases of emergency, PTC may impose sanctions on the respondent only after a final determination is made. Likewise, the supportive measures provided by PTC to the Complainant must not place an unreasonable burden on the respondent.

Due to an inability to restrict parties from discussing the allegations or gathering and presenting evidence, the confidentiality of complaints may be limited. However, the regulations do provide for legal protections against retaliation, as follows:

*"No recipient (PTC) or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a*

*report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.”*

While protections of speech under the First Amendment are granted, a party threatening to publish evidence or specifics of the case in order to deter a complaint may be considered retaliation. Moreover, it is not retaliation for PTC to charge an individual with a code of conduct violation for making a materially false statement in bad faith in the course of the Title IX grievance process.

## II. OVERVIEW OF TITLE IX GRIEVANCE PROCEDURES

### A. RESPONSIBILITIES OF THE TITLE IX COORDINATOR:

It is the responsibility of the Title IX Coordinator to respond to complaints of Title IX Discrimination, coordinate the investigation and hearing activities, provide notices to the parties, assist with the investigation of the complaint, manage communications with the parties, witnesses, and Hearing Decision-Makers (or designees), develop the investigation report, implement remedies, and schedule an appeal, if applicable.

The Title IX Coordinator may consolidate formal complaints as to the allegations of sexual harassment where they arise out of the same set of circumstances and,

- The formal complaint is against more than one respondent, or
- There is more than one Complainant against one or more respondents.
- In combined hearings, separate determinations of responsibility will be made for each respondent.

The Title IX Coordinator at PTC is Nancy Starr, [starr.nancy@ptcollege.edu](mailto:starr.nancy@ptcollege.edu), or 412-809-5311. The Title IX Office is located on the third floor of the PTC academic building, Human Resource Office, at 1111 McKee Road, Oakdale, PA 15071.

### B. PRELIMINARY INQUIRY:

PTC will conduct a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved.

The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation because the behavior alleged, even if proven, would not violate the Policy (e.g., for reasons such as mistaken identity or allegations of behavior that falls outside the code).
2. An offer of supportive measures to the parties for the purpose of restoring equal access to PTC education programs and activities.
3. A more comprehensive investigation, when it is clear more information must be gathered.
4. A formal hearing.

C. WRITTEN NOTICE OF ALLEGATIONS:

Once a formal complaint is filed, the Title IX Coordinator will provide written notice of the allegations to the Complainant and respondent. The notice will include sufficient enough details to clarify the scope and nature of the investigation and include an explanation of PTC's Title IX discrimination grievance process.

D. FORMAL HEARING:

A formal hearing and investigation will be held when there is reasonable cause to believe that a rule or rules have been violated. A formal notice of the complaint will be issued, and a hearing will be held before one or more Decision-Makers. A finding will be determined by the Decision-Maker(s) and is final. If the finding is that the respondent is not responsible, the process ends. Applicable appeal options are described below.

### III. TITLE IX DISCRIMINATION HEARING AUTHORITY

A. AUTHORITY:

The Title IX Coordinator, VP of Student Services, and VP of Administration/ CFO at Pittsburgh Technical College (PTC) are vested with authority over student conduct by the President as deemed necessary to efficiently and effectively supervise the Title IX discrimination hearing process.

1. The Title IX Coordinator and Associate VP of Student (or their designees) may appoint Hearing Decision-Makers.
2. The VP of Administration/CFO (or designee) serves as or appoints the Appeal Decision-Maker.

3. The Title IX Coordinator and Associate VP of Student Services (or their designees) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

**B. GATEKEEPING:**

1. No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a complainant's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

**C. HEARING OFFICIALS:**

1. INVESTIGATOR(S): The Title IX Coordinator and Associate VP of Student Services will work in coordination with PTC's Police Department to investigate allegations of sexual misconduct and to collect evidence. The burden of proof and the burden of gathering evidence sufficient for a hearing rests with the college.
2. DECISION-MAKER: The Title IX Coordinator will be responsible for assigning an official to act as the Decision-Maker for the duration of the proceedings. The role of the Decision-Maker is to ensure the relevancy and legality of each question asked during a hearing or appeal. This person will also provide a written determination of responsibility using the preponderance of the evidence standard.

PTC may designate an attorney to be the Decision-Maker for Title IX Discrimination hearings or appeals. In some instances, the Decision-Maker for a hearing will be drawn from a pool of faculty and staff members who meet Title IX training requirements.

3. ADVISORS: Each party is permitted to bring an advisor of their choice to attend any related meetings or hearings throughout the process. The role of the advisors is to generally provide advice and guidance to the Complainant or respondent. The advisor may be an attorney, a parent, a witness for the same party, or anyone else that is not a witness for the other party. Advisors may review all evidence that is "directly related to the allegations" that are not privileged. The parties' advisors (including lawyers, but never the parties) have the right to ask questions:

- Of the other party and the witnesses
- Directly, orally, and in real-time
- Only relevant questions may be asked. Questions that are not permitted under Federal Rape Shield Laws will not be allowed.
- The advisors may not make opening or closing statements during the hearing.
- If either party does not bring an advisor, PTC must provide one (who may or may not be an attorney) at no cost.

#### D. APPEAL HEARING DECISION-MAKER:

PTC may designate an attorney to be the Decision-Maker for a Title IX Discrimination appeal. In some instances, the Decision-Maker for an appeal will be drawn from a pool of faculty and staff members who meet Title IX training requirements.

1. They did not serve as a Decision-Maker for the initial hearing.
2. They were not involved in the investigation in any way.
3. They have been properly trained in appeal procedures.
4. They are not currently instructing the student or otherwise substantively involved with the student or employee (such as a coach, advisor, or supervisor).
5. They do not have a bias or conflict of interest with either party.

The Appeal Decision-Maker has responsibility for conducting preliminary investigations and ensuring a fair process for the Complainant and the respondent. At the discretion of the Appeal Decision-Maker, the implementation of remedies may be stayed pending review.

The Title IX Coordinator is responsible for the implementation of remedies.

#### E. INTERPRETATION AND REVISION:

The Title IX Coordinator and Associate VP of Student Services will develop procedural rules for the administration of hearings that are consistent with provisions of the Sexual Misconduct Policy. A material deviation from these rules will, generally, only be made as necessary and will include reasonable



advance notice to the parties involved in the form of written communication sent electronically, by mail, or in-person.

The Title IX Coordinator, Associate VP of Student Services, and the VP of Administration/CFO (or their designees) may vary procedures with notice upon determining that changes to law or regulation that require Policy or procedural alterations. These individuals may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Policy will be referred to the Title IX Coordinator and Associate VP of Student Services (or their designees) whose interpretation is final.

The Policy and these procedures will be reviewed annually under the direction of the Title IX Coordinator with a comprehensive revision process being conducted every five years.

#### IV. FORMAL TITLE IX DISCRIMINATION HEARINGS AND APPEALS

##### A. PITTSBURGH TECHNICAL COLLEGE (PTC) AS CONVENER:

PTC is the convener of every action under these procedures. Within that action, there are several roles:

1. The respondent is the person(s) who is alleged to have violated the Sexual Misconduct Policy. The respondent may be a student or employee of PTC.
2. The Complainant (herein referred to as the “complainant”) may be a student or employee and will participate in the process as fully as the respondent. The respondent and Complainant may participate in the hearing or appeal from separate locations through the use of video and audio technology managed by the Decision-Maker and PTC.
3. There may be witnesses who may offer information regarding the allegation.
4. There is an/are Investigator (s) whose role is to present the allegations and share the evidence that PTC has obtained regarding the allegations.
5. For hearings, there is a Decision-Maker(s) whose role is to determine 1) relevancy of questions, 2) responsibility, and 2) appropriate remedies (if any) based on the preponderance of the evidence (more likely than not) standard.

6. For appeals, there is a different Decision-Maker This person will have had no involvement in the prior hearing to ensure objectivity.
7. It is the responsibility of the Title IX Coordinator to confirm that hearing and appeal officials do not have a conflict of interest with, or a bias against, hearing participants.

**B. AMNESTY:**

1. For Those Who Offer Assistance and for Complainants - In cases of intoxication and/or alcohol poisoning and/or drug overdose, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance for themselves or for others who are dangerously intoxicated. No student seeking medical treatment for themselves or others for alcohol or other drug-related overdoses will be subject to college discipline for the sole violation of using or possessing alcohol and/or drugs.
2. Safe Harbor - PTC has a Safe Harbor rule for students. PTC believes that students who have a drug and/or alcohol addiction problem deserve help. If any PTC student brings their own use, addiction, or dependency to the attention of PTC officials outside the threat of drug and/or alcohol tests or conduct remedies and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection, and campus conduct processes will be initiated. Some academic programs (e.g., Nursing) have policies that may take precedence over this Policy due to accreditation standards and/or health and safety concerns in clinical or similar settings.

**C. NOTICE OF ALLEGED VIOLATION:**

Any member of the campus community may allege a policy violation(s) by any student or employee for misconduct under these procedures.

A formal complaint may be given to the Title IX Coordinator or an Official with Authority (OCW., aka Campus Security Authority). If the OCW is notified, they will immediately notify the Title IX Coordinator of the complaint. Additionally, administrators may act on notice of a potential violation, whether a formal allegation is made or not. All allegations can be submitted by a complainant or a third party and should be submitted as soon as possible after the offending event occurs. PTC has the right to pursue an allegation or notice of misconduct

on its own behalf and to serve as the convener of the subsequent campus conduct process.

The Title IX Coordinator and Associate VP of Student Services (or their designees) will assume responsibility for the investigation of the alleged violation, as described in the sub-section below.

#### D. INVESTIGATION:

The Title IX Coordinator and Associate VP of Student Services (or their designees) will appoint an investigator(s) for allegations under these procedures. The Title IX Coordinator will initiate any necessary supportive measures on behalf of the parties.

The Investigator (s) will take the following steps, if not already completed:

1. Review the formal complaint to determine the identity of the Complainant. Any complaints that are sent anonymously will be reviewed by the Title IX Coordinator (or designee), who will make a good faith effort to offer supportive measures to parties based on the information provided in the complaint.
2. Immediately contact the Complainant to discuss supportive measures as referenced in section one of these procedures and defined in the Policy. Supportive measures provided to the Complainant are not to place an unreasonable burden on the respondent.
3. Conduct a preliminary inquiry to identify an initial list of all policies that may have been violated and to review the history of the parties, the context of the incident(s), any potential patterns, and the nature of the complaint.
4. If the Complainant is reluctant to pursue the complaint, determine whether the complaint should still be pursued through the code of conduct and whether sufficient independent evidence could support the complaint without the participation of the Complainant.
5. Notify the parties of whether PTC intends to pursue the complaint and inform the parties of their rights in the process.
6. A preliminary investigation usually takes 1-7 business days to complete.

7. If indicated by the preliminary inquiry, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the respondent violated PTC policy and identify what specific policy violations should serve as the basis for the complaint.
8. Speak with the Complainant to finalize their statement.
9. Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews (for the Complainant, all witnesses, and the respondent).
10. Prepare the “notice of the formal complaint,” as required by Title IX. The notice is to include the following:
  11. The policy and grievance procedures
  12. The allegations with detail sufficient enough to prepare a response before any initial interview (names, dates, locations, conduct at issue); if new allegations arise later, PTC will supplement the notice.
  13. The presumption that the respondent is not responsible, unless and until a determination is made at the end of the process.
  14. The right to an advisor of choice, including an attorney
  15. The right to inspect and review evidence.
  16. Interview all relevant witnesses, summarize the information they are able to share, and have each witness sign the summary to verify its accuracy.
  17. Obtain all documentary evidence and information that is available.
  18. Obtain all physical evidence that is available.
  19. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline.
  20. Make a finding whether or not a policy violation occurred based upon the preponderance of the evidence (more likely than not) standard and proceed accordingly.

## E. REVIEW OF INVESTIGATION MATERIALS

1. EVIDENCE: Only relevant evidence can impact a finding of a Policy violation. Relevance is defined as having a significant and demonstrable bearing on the matter at hand and tending to prove or disprove the matter at hand. Parties may provide evidence that is not directly relevant but is directly related to the complaint (ex. both parties frequent the same restaurant).
2. SHARING EVIDENCE: Once the evidence is gathered, the Investigator (s) must provide both parties an equal opportunity to inspect and review any evidence obtained in the course of the investigation that is directly related to the allegations raised in the formal complaint so that each can meaningfully respond to the evidence prior to the conclusion of the investigation. PTC will submit the evidence in an electronic format or hard copy for review and inspection. Each party will be able to identify any evidence overlooked by investigators or erroneously deemed relevant or irrelevant.
3. INSPECTION OF EVIDENCE: The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to the completion of the investigative report.
4. USE OF EVIDENCE IN HEARING: Evidence may be referred to and must be made available during the hearing, including for purposes of cross-examination.
5. INVESTIGATION REPORT: The Investigator (s) are required by Title IX to “fairly” and objectively summarize the “relevant” evidence in a report. This report must be equitable, objective, and free from showing any favor toward either or any side. In this instance, “fairly” does not equate to parties being pleased with, or in agreement with, the content of the report.
6. DRAFTING THE INVESTIGATION REPORT: To create the report, the investigators will comply with the following:
  - Map out the key elements of proof
  - Summarize the evidence in a factual, objective manner
  - Clearly show the work and explain the logic used to compile and summarize the evidence

- State the supported facts without opinions, conclusions, or gut feelings
  - Avoid characterizations and conclusions
  - Avoid generalizations or prejudice.
7. INSPECTION OF THE INVESTIGATION REPORT: Once the report is ready, the Investigator(s) will send to each party, and the party's advisor (if any), the investigation report in an electronic format or hard copy. The parties will have an equal opportunity to inspect the report and provide a written response, at least ten (10) days before the hearing.

F. NOTICE OF HEARING:

Once a determination is made that reasonable cause exists for the Title IX Coordinator to refer a complaint for a Title IX Discrimination hearing, a formal notice will be given to the parties. This notice will be in writing and may be delivered by one or more of the following methods: in person by the Title IX Coordinator, mailed or commercial delivery to the local or permanent addresses of the parties as indicated in official PTC records, or emailed to the respective party's PTC email account. Once mailed, emailed, and/or received in-person, such notice will be presumed delivered. The letter of notice will:

1. Include the allegations and notification of where to locate the Policy and PTC procedures for resolution of the complaint.
2. Set a hearing date, time, and location for the parties to meet with a Hearing Decision-Maker(s).
3. The hearing may be held remotely and in real-time using video conferencing software. Included in the notice will be directions as to how to access and participate in the hearing. The Decision-Maker is responsible for the management of the hearing.

Also, it is each party's responsibility to notify the Title IX Coordinator or Associate VP of Student Services (or their designees) prior to the scheduled hearing to arrange for another date and/or time. Except in cases of grave or unforeseen circumstances, if a party fails to provide notice prior to the hearing, the hearing will proceed as scheduled.

#### G. INTERIM ACTION:

In some cases, the Title IX Coordinator and Associate VP of Student Services may determine that an emergency removal of a student is necessary to ensure the safety of the Complainant and/or PTC community. If this action is considered, the following steps must be completed before implementing the removal:

1. Undertake an individualized safety and risk analysis
2. Determine that an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment justifies removal.
3. Provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

#### H. HEARING OPTIONS & PREPARATION:

PTC will conduct Title IX Discrimination hearings according to the rules established by Title IX. The Title IX Coordinator may participate in investigations but cannot make decisions related to the hearing. The following sub-sections describe PTC's Title IX Discrimination hearing processes.

1. The Hearing Decision-Maker cannot be an investigator or the Title IX Coordinator.
2. Parties must have an advisor of choice at the hearing, and PTC will provide one if needed.
3. All Title IX Discrimination hearings will be video/audio recorded
4. Hearings can be held remotely, and in real-time using secure video conferencing software.
5. Parties are to provide advance written notice of the attendance of advisors so that PTC may appoint one, if necessary
6. To maintain as much privacy for the parties as possible, hearing attendees will be limited to the parties, advisors, and Hearing Decision-Makers.
7. Witnesses will be invited to attend the hearing only for the amount of time needed to provide information.

8. PTC requests that advisors submit prepared questions a few days prior to the hearing so the Decision-Maker can determine relevancy. This option will reduce the length of the hearing as each question must be deemed relevant by the Decision-Maker before the respective party may respond to it.
9. No party may be found to have violated the Policy solely as a result of the party's failure to appear or refusal to answer questions at a hearing. In such instances, conduct hearings will proceed as scheduled without the party, and evidence will be presented to and considered by the Hearing Decision-Makers.
10. If a party or witness does not answer questions, the Hearing Decision-Maker must not rely on their previous statements.
11. There can be no inference about responsibility solely due to a person not answering questions.

#### I. HEARING PROCEDURES:

The Title IX Coordinator and Associate VP of Student Services (or their designees) will appoint Hearing Decision-Maker(s). The Hearing Decision-Makers will conduct the hearings according to the following guidelines:

1. Hearings will be closed to the public.
2. The parties have the right to an advisor of their own choosing, as previously referenced.
3. The advisors will have the privilege of submitting questions prior to the hearing. Either party may present witnesses to the Hearing Decision-Maker(s).
4. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Decision-Maker. The Decision-Maker may limit the number of character witnesses presented or may accept written affidavits of character instead.
5. All procedural questions are subject to the final decision of the Hearing Decision-Maker(s). The Hearing-Decision Maker will ensure that all questions asked are relevant to the matter and permitted under [U.S. Rape Shield Laws](#).



6. After a conduct hearing, the Decision-Maker will determine whether it is more likely than not that the respondent has violated the Sexual Misconduct Policy. Once a finding is determined, if the finding is that of a policy violation, the Decision-Maker will determine an appropriate sanction(s).
7. The Decision-Maker will render a decision and inform the respondent and Complainant of the final determination within seven days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Decision-Maker; mailed or commercial delivery to the local or permanent address of the student as indicated in official PTC records, or emailed to the student's PTC-issued email account. Once mailed, emailed, and/or received in-person, such notice will be presumed delivered. The determination notice will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.
8. There will be a verbatim record, such as a video/audio recording, for hearings involving sexual harassment. Written notes may also be taken by any party. A Hearing Decision-Maker will summarize the basis for the decision in writing for remedies, including suspension or dismissal.

#### J. REMEDIES

One or more of the following remedies may be imposed upon any student for any single violation of the Title IX protections and PTC's Sexual Misconduct Policy:

1. PTC Housing Reassignment: Reassignment to another PTC housing facility. Resident Life personnel will decide on the reassignment details.
2. PTC Housing Suspension: Removal from PTC housing for a specified period of time, after which the student is eligible to return. Conditions for re-admission to PTC housing may be specified. Under this sanction, a student is required to vacate PTC housing within 24 hours of notification of the action, though this deadline may be extended upon application to and at the discretion of the Director of Resident Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for PTC housing, the student must gain permission from the Director of Resident Life

(or designee). This sanction may include restrictions on visitation to specified buildings or all PTC housing during the suspension.

3. PTC Housing Dismissal: The student's privilege to live in, or visit, any PTC housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
4. PTC Suspension: Separation from PTC for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the VP of Academic Services or Associate VP of Student Services (or their designees). During the suspension period, the student is banned from college property, functions, events, and activities without prior written approval from the VP of Academic Affairs or Associate VP of Student Services. This sanction may be enforced with a trespass action as necessary.
5. PTC Dismissal: Permanent separation from PTC. The student is banned from college property, and the student's presence at any PTC-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
6. Other Remedies: Additional or alternate remedies may be created and designed as deemed appropriate to the offense with the approval of the VP of Student Services or VP of Academic Affairs (or their designees).
7. Organizations: The following remedies may be imposed upon groups or organizations found to have violated the Code of Student Conduct:
  - a. One or more of the remedies listed above and/or
  - b. Deactivation, de-recognition, loss of all privileges (including status as a PTC registered group/organization), for a specified period of time.

#### K. PARENTAL NOTIFICATION

PTC reserves the right to notify the parents/guardians of dependent students regarding any conduct situation.

Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

#### L. NOTIFICATION OF OUTCOMES

The outcome of a campus hearing is part of the education record of the respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or sexual harassment, PTC will inform the parties in writing of the final results of a hearing regardless of whether PTC concludes that a violation was committed. Such release of information will include the following:

1. Identification of the allegations
2. Description of all procedural steps taken
3. Findings of fact
4. Conclusions and a determination regarding responsibility
5. A rationale for all conclusions
6. Description of disciplinary sanctions issued, if any
7. Indication of whether there are remedial measures to the Complainant
8. The appeal process and grounds for appeal

In cases where PTC determines through the student conduct process that a student violated Policy would constitute a “crime of violence” or sexual harassment, PTC may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and non-negligent manslaughter

6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offenses
10. Non-forcible sex offenses

#### M. FAILURE TO COMPLETE REMEDIES

All students, as members of the PTC community, are expected to comply with conduct remedies within the timeframe specified by the Hearing Decision-Maker(s). Failure to follow through on conduct remedies by the date specified, whether by refusal, neglect, or any other reason, may result in additional remedies and/or suspension from PTC. In such situations, resident students will be required to vacate PTC housing within 24 hours of notification by the Director of Resident Life, though this deadline may be extended upon application to, and at the discretion of, the Director of Resident Life. A suspension will only be lifted when compliance with conduct remedies is satisfactorily achieved. This determination will be made by the VP of Academic Affairs or Associate VP of Student Services (or their designees).

#### N. APPEAL REVIEW PROCEDURES

Any party may request an appeal of the conduct hearing decision by filing a written request to the Title IX Coordinator subject to the procedures outlined below. All remedies imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

#### O. GROUND FOR APPEAL REQUESTS

PTC will offer both parties an appeal from a determination regarding responsibility, and from PTC's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and

3. The Title IX Coordinator, Investigator(s), or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or respondent that affected the outcome of the matter.

Appeals must be filed in writing with the Title IX Coordinator (or their designees) within three business days of the notice of the outcome of the hearing. Any exceptions are made at the discretion of the Title IX Coordinator or Associate VP of Student Services (or their designees).

The Title IX Coordinator (or designee) will share the appeal by one party with the other party (parties). The Title IX Coordinator and VP of Administration/CFO will draft a response memorandum to the appeal request(s), based on determination that the request(s) will be granted or denied, and why.

The Title IX Coordinator will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. S/he may consult with the Associate VP of Student Services or VP of Administration/CFO (or their designees) on any procedural or substantive questions that arise.

If the appeal is not timely or eligible, the original finding and sanction will stand, and the decision is final. If the appeal has standing, the VP of Administration/CFO will determine whether to hear the appeal or appoint an attorney as Appeal Decision-Maker, typically within 5-7 business days. Full re-hearings by the Appeal Decision-Maker are not permitted. Where new evidence is presented, the Appeal Decision-Maker will provide instruction on the parameters regarding institutional consistency and any applicable guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show a clear error. The Appeal Decision-Maker must limit its review to the challenges presented.

The parties have the right to an advisor of their own choosing. The advisors must follow the same procedures as that of the hearing.

On reconsideration, the Appeal Decision-Maker may affirm or change the findings and/or remedies of the original hearing body according to the permissible grounds. Errors should be corrected, new evidence should be considered, and remedies should be proportionate to the severity of the violation.

All decisions of the Appeal Committee are to be made by the Appeal Decision-Maker within 5-7 days and are final. Appeal decisions are to be affirmed by the

Title IX Coordinator, when applicable. Appeal decisions are not appealable by any party.

#### P. OTHER GUIDELINES FOR APPEALS

All parties will be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Witnesses may be called if necessary.

Appeals are not an opportunity for Appeal Decision-Maker to substitute their judgment for that of the original Decision-Maker merely because they disagree with the finding and/or remedies and/or Policy. Changes may be made to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

#### Q. RECORDKEEPING

A verbatim record (video/audio recording) will be made by the Appeal Decision-Maker of the appeal hearing.

1. Disciplinary Records-PTC will maintain for a period of seven years, records of –
  - a. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to education programs or activity.
  - b. Any appeal and the result therefrom.
  - c. All materials used to train Title IX Coordinators, investigators, and decision-makers.
  - d. In compliance with Title IX, PTC has published the Sexual Misconduct Policy, Title IX Discrimination Hearing Procedures, and the training materials used to train all hearing and appeal officials. This information may be found on the college's Consumer Information webpage.

2. Implementation - These Title IX Discrimination Hearing Procedures will be implemented on 08/14/2020.
3. Revision dates will be noted in the footer.