

Triangle Tech Group VAWA & Title IX Policies and Procedures

This Policy supersedes all other student and employee policies with respect to discrimination on the basis of sex or gender identity, sex-based harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking. In the event that a set of facts involves an allegation of sexual misconduct covered by this Policy, and conduct covered by other school policies, this Policy controls.

I. Introduction and Non-Discrimination Statement

Triangle Tech promotes a work and educational environment that supports fundamental rights, personal and professional integrity and dignity. Triangle Tech condemns sexual and gender-based discrimination and harassment, including sexual assault, sexual exploitation, domestic violence, dating violence, stalking, and related retaliation. The following policies are intended to ensure compliance with Article XX-G of the Pennsylvania H.B. 101 of 2009, Title IX of the Education Amendments of 1972 (Title IX), the Violence Against Women Reauthorization Act of 2013 (VAWA), the amendments to Section 485[f] of the Higher Education Act, specifically the

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sex-based harassment. Supportive

- x Must be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed

- i. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- iv. The location of the conduct and the context in which the conduct occurred; and
- v. Other sex-based harassment in the recipient's education program or activity; or

Important Notice: Please do not wait to report conduct of concern until harassment becomes sufficiently serious (i.e., severe,

- 14) Respondent(s)An individual who has been reported to be the perpetrator of conduct that could constitute sex-based harassment.

- 15) Supportive MeasuresNon-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sex-based harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or

- 1) Triangle Tech's Title IX Coordinator Any individual who believes that he or she has been subjected to or witness to, or are otherwise aware of, behaviors that violate this Policy, is strongly urged (but not required) to file a written formal complaint by reporting such conduct immediately to Triangle Tech's Title IX Coordinator. The Title IX Coordinator Mrs. Deborah Hepburn, Executive Director of Compliance & Education.

Mrs. Deborah Hepburn
Executive Director of Compliance & Education
Triangle Tech Group
Triangle Tech, DuBois School
225 Tannery Row Road, Falls Creek, PA 15840
(814) 371-2090 X 7431 (phone)
TitleIX@triangle-tech.edu

The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures,

- 3) Responsible Employee Triangle Tech's Responsible Employees are officials who have authority to institute corrective measures on behalf of Triangle Tech (the recipient). Notification of an alleged violation of Title IX sex-based harassment will convey knowledge to Triangle Tech and trigger Triangle Tech's response obligations.
- x The Title IX Coordinator is a Responsible Employee for all students and school employees for the Triangle Tech Group.
 - x The Local School Title IX Coordinator Designees, who are the School Directors, are Responsible Employees for all students, staff, and faculty at the local school level.
 - x The Assistant Director is a Responsible Employee for all students and faculty at the local school level.
 - x

4. In accordance with PDE regulations on sexual violence awareness, a summary of Victim's Rights under SaVE/VAWA will be issued to the complainant.

B. Written Notice of Allegations

- 1) Once the Title IX Coordinator receives a formal written complaint, a written notice of the allegations of sex-based harassment potentially constituting sex-based harassment as defined in §106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview will be provided to both the complainant and the respondent.
- 2) The written notice will be generated as soon as practicable but no more than ten (10) working days after the receipt of the formal complaint. The written notice will be sent to both the complainant and the respondent, at the same time. (Regulations: with sufficient time to prepare a response before any initial interview)
- 3)

- 2) Assess the existence of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of individuals and the campus community.

C. Emergency Removal & Administrative Leave

- 1) **Emergency Removal** Triangle Tech may remove a respondent from the Triangle Tech's education program or activity on an emergency basis, provided that Triangle Tech undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sex-based harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- 2) **Administrative Leave** Triangle Tech may place a non-student employee respondent on administrative leave during the pendency of a grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

D. Dismissal of a Complaint

- 1) Triangle Tech must investigate the allegations in the complaint. If the conduct alleged in the complaint would not constitute sex-based harassment as defined in §106.30 even if proved, did not occur in the recipient's education program or activimu leatdyht

1) Investigation Phase

- a. Following the receipt of a complaint, if it is determined that there may be a reason to believe that the policy may

- g. At any time during the investigation, the Title IX Investigator may recommend to the Title IX Coordinator that additional interim protections or remedies for the Complainant, Witnesses, or the Respondent be provided by appropriate school officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, making alternative workplace arrangements, or evaluating financial aid relief. Failure to comply with the terms of interim protections may be considered a separate violation of this Policy. The investigation shall be completed as promptly as possible and in most cases within (30) working days of the date the written complaint was received, but may be extended in (10) working day intervals with written notice explaining the reason for the extension.
- h. Preservation of information and tangible material is essential for both law enforcement investigations and campus disciplinary processes. Therefore, potential information and materials (evidence), including, but not limited to, clothing, drinks, glasses, bed linens, electronic communications (e.g., emails and text messages), and photographs should be preserved.
- i. Both the Complainant and the Respondent are entitled to a prompt, fair, and impartial process from the initial investigation to the final result. Both the Complainant and the Respondent must be provided with the same opportunities to have others present during any institutional disciplinary process, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Triangle Tech cannot limit the choice of an advisor or presence for either party; however, Triangle Tech has the right to establish restrictions regarding the extent to which the advisor may participate in the meeting or proceedings, as long as the restrictions apply equally to both parties. For restrictions regarding the advisor's role see Section VII.E.1.d., of this Policy.

During the investigation and resolution of a complaint, the complainant and respondent shall also have equal rights, which include:

- f* Equal opportunity to identify and have considered witnesses and other relevant evidence;
- f*

The Decision-Maker(s), who cannot be the same person(s) as the Title IX Coordinator or the Investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the preponderance standard of evidence as described previously.

The written determination must include—

- 1) Identification of the allegations potentially constituting sex-based harassment.
- 2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- 3) Findings of fact supporting the determination;
- 4) Conclusions regarding the application of the recipient's code of conduct to the facts;
- 5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- 6) The recipient's procedures and permissible bases for the complainant and respondent to appeal.
 - a. The recipient must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
 - b. The Title IX Coordinator is responsible for effective implementation of any sanctions or remedies.

F. Appeals.

- 1) A recipient must offer both parties an appeal from (1) a determination regarding responsibility or (2) from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. 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
 - c. The Title IX Coordinator, investigator(s), or decision-maker(s) 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.

A recipient may offer an appeal equally to both parties on additional bases.

- 2) Disagreement with the finding or sanctions is not, by itself, grounds for an appeal.
- 3) As to all appeals, the recipient must:
 - a. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
 - b. The decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
 - c. Ensure that the decision-maker(s) for the appeal complies with the standards set forth for all individuals responsible for Title IX.
 - d. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - e. Issue a written decision describing the result of the appeal and the rationale for the result; and

- f. Provide the written decision simultaneously to both parties.

The request for an appeal, including the grounds upon which the request is based, must be submitted in writing to the Appeal's Officer (as identified in the outcome letter) within ten (10) business days following the date on the outcome letter. Each party will be notified if an appeal request will be considered and be provided the opportunity to respond.

Appeals decisions will be rendered within ten (10) business days after the receipt of the formal appeal request. Both parties will be notified in writing of appeal outcome.

G. Informal Resolution

1) Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, Triangle Tech may impose disciplinary sanctions, which may include:

- a. Sanctions or remedies for student Respondents will be determined by the Executive Director of Compliance & Education in consultation with the Title IX Coordinator (or designee) and Assistant Director. Sanctions for Employee

Triangle Tech will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and appeals officials must not rely on sex stereotypes and must promote impartial investigations of formal complaints of sex-based harassment.

XIII. The Jeanne Clery Act, Annual Security Report, Timely Warnings, and Emergency Notification

- A. Jeanne Clery Act - The Jeanne Clery Act applies to institutions of higher education and is confined to campus crimes, which occur on campus, adjacent to campus, or off-campus when associated with the institution. The Clery Act was expanded in 2013 with

Any violation of Triangle Tech's employee or student conduct policies that do not fall within the purview of Title IX Sex-based harassment will be investigated by the appropriate school official(s) in accordance with established Triangle Tech Non-Title IX policies and procedures.

REFERENCES:

Electronic Code of Federal Regulations

Title 34: Education

PART 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart D—Discrimination on the Basis of Sex in Education Programs or Activities Prohibited

§106.44 Recipient's response to sex-based harassment

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