

# TITLE IX

## Sexual Harassment and Sexual Violence Policy

Welder Training and Testing Institute is committed to providing a safe educational environment free of violence, harassment and discrimination. Therefore, in accordance with Title IX of the Education Amendments of 1972 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), along with its amendments made pursuant to the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Empire has adopted strict policies regarding these matters.

### **Notice of Non-Discrimination**

Welder Training and Testing Institute does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. Questions regarding non-discrimination policies can be referred to your school’s Title IX Coordinator at 610-427-9720 or [Bree@wtti.edu](mailto:Bree@wtti.edu)

### **Prohibited Conduct**

Welder Training and Testing Institute strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical, or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s education or employment;
- Submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual’s education or employment; or
- It creates a hostile or offensive environment, which means the alleged conduct is sufficiently serious to limit or deny a student’s ability to participate or benefit from the student’s education program.

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status, or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented “kidding” or “teasing”, practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person’s body. Gender-based harassment, including acts of verbal, nonverbal or physical aggression,

intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

### **Complaint/Grievance Procedure**

If you believe that you have experienced or witnessed harassment or sexual violence, notify your instructor, supervisor, Director, or preferably the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. In addition, it is important to preserve any evidence that may assist in proving that an alleged criminal offense occurred or that may be helpful in obtaining a protection order. No employee, contract worker, student, vendor, or other person who does business with the School is exempt from the prohibitions in this policy. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses.

Following an alleged offense, victims will be provided with written information on their rights ([Victim's Rights form](#)) and options for, and available assistance in, changing academic and working situations. The School will make these accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students have the right to request the reasonable academic accommodations through the Director. Accommodation requests will be handled via the Title IX Coordinator.

### **Title IX Coordinator**

The Title IX Coordinator has the responsibility of overseeing all Title IX related activities, complaints and investigations. The Title IX Coordinator can be reached at:

Title IX Coordinator

Welder Training and Testing Institute

720 East Highland Street

Allentown, PA 18109

610-437-9720

Email: [Bree@wtti.edu](mailto:Bree@wtti.edu)

### **Title IX Definitions:**

Complainant – Alleged victim of conduct that could constitute sexual harassment.

Respondent – Individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal Complaint – as a document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting the school investigate the allegation of sexual harassment.

Supportive Measures - as individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

### **Investigation of Complaints**

In response to all complaints, Welder Training and Testing Institute promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. In cases where a student does not give consent for an investigation, Welder Training and Testing Institute will weigh the student's request for confidentiality against the impact on School safety to determine whether an investigation must proceed. Complainants should be aware that in a formal investigation due process requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment.

The preponderance of the evidence standard will apply to investigations, meaning Welder Training and Testing Institute will evaluate whether it is more likely than not that the alleged conduct occurred.

Welder Training and Testing Institute will investigate the allegations in any formal complaint and send written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint.

Welder Training and Testing Institute will provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.

Complainant and respondent will have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.

Welder Training and Testing Institute will send written notice of any investigative interviews, meetings, or hearings.

Welder Training and Testing Institute will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.

Welder Training and Testing Institute will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.

Welder Training and Testing Institute will dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in a school's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate.

Welder Training and Testing Institute may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

Welder Training and Testing Institute will give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.

Welder Training and Testing Institute may, in their discretion, consolidate formal complaints where the allegations arise out of the same facts.

The Final Rule protects the privacy of a party's medical, psychological, and similar treatment records by stating that schools cannot access or use such records unless the school obtains the party's voluntary, written consent to do so.

There will be a live hearing with cross examination.

### **Live Hearings & Cross-Examination**

- At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross examination on behalf of that party.
- Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- Schools must create an audio or audiovisual recording, or transcript, of any live hearing.
- The decision-maker must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
- The written determination will be sent simultaneously to the parties along with information about how to file an appeal.

During the investigation, Welder Training and Testing Institute will provide interim measures, as necessary, to protect the safety and well-being of students and/or employees involved.

If Welder Training and Testing Institute determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the

circumstances involved, and Welder Training and Testing Institute will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by Welder Training and Testing Institute to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension, or expulsion.

To initiate a criminal investigation, reports of sexual violence should be made to “911” or local law enforcement. The criminal process is separate from the School’s disciplinary process. To the extent that an employee or contract worker is not satisfied with the School’s handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

## **Appeals**

Once Welder Training and Testing Institute has responded to a report of sex / gender based harassment, discrimination or sexual misconduct, either party has the ability to petition for appeal by written request to the Title IX Coordinator within five(5) business days of the date of the decision.

The written request for appeal must be based on at least one of the following reasons listed below and must include justification for that reason:

- Procedural irregularity that affected the outcome of the matter
- Newly discovered evidence that could affect the outcome of the matter
- Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter
- A school may offer an appeal equally to both parties on additional bases.

## **Informal Resolution**

Welder Training and Testing Institute, in its discretion, to choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. Any person who facilitates an informal resolution must be well trained.

Welder Training and Testing Institute may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Similarly, Welder Training and Testing Institute may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Welder Training and Testing Institute must not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### **Retaliation Prohibited**

Welder Training and Testing Institute will not retaliate against anyone for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify the Title IX Coordinator.

### **Reporting Requirements**

Victims of sexual misconduct should be aware that School administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. Welder Training and Testing Institute will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. Welder Training and Testing Institute reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

# Sexual Harassment and Sexual Violence

## Victim's Rights

Welder Training and Testing Institute is committed to providing a safe work and school environment. As you believe that you have been victimized via sexual harassment and/or sexual violence, it is important that you understand your rights regarding this matter and the process that will ensue. Following any alleged offense, the School will work with victims with options regarding, and available assistance in, changing academic and working situations. The School will make these accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Victims have the right to request the reasonable academic accommodations through the Title IX Coordinator. In response to all complaints, the School promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. The School shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student or employee does not give consent for an investigation, the School will weigh the request for confidentiality against the impact on School safety to determine whether an investigation must proceed. Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment. The preponderance of the evidence standard will apply to investigations, meaning the School will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint. During the investigation, the School will provide interim measures, as necessary, to protect the safety and well-being of students and/or employees involved. If the School determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and the School will take steps to prevent the recurrence of any harassment, violence or discrimination. Any employee determined by the School to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student--related claims may include, but are not limited to, an order to stay away, suspension, or expulsion. To initiate a criminal investigation, reports of sexual violence should be made to "911" or local law enforcement. The criminal process is separate from the School's disciplinary process. To the extent that an employee or contract worker is not satisfied with the School's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal

relief. The School will not retaliate against you for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify the Title IX Coordinator. Victims of sexual misconduct should be aware that School administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. The School will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The School reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status. Students and employees can obtain from the School's Director or Human Resources, information regarding existing counseling, health, mental health, victim's advocacy, legal assistance, and other services available for victims that are available in the community. With respect to orders of protection or similar orders issued by a court, the school will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the accommodations or protective measures. The Title IX Coordinator can be contacted at 610-437-9720 or Bree@wti.edu. In addition to the School, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: <http://www.hhs.gov/ocr/>.