

## TITLE IX AND SEXUAL MISCONDUCT POLICY STATEMENT

Title IX of the Education Amendments of 1972 ("Title IX") protects people from discrimination based on sex 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 program or activity receiving Federal financial assistance.

The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence) that are reflected in the definitions of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking included as Regulatory Prohibited Conduct under this Policy
- Addresses how the Institution must respond to reports of misconduct falling within the definitions of Regulatory Prohibited Conduct under this Policy, and
- Mandates a grievance (or resolution) process the Institution must follow before issuing disciplinary sanctions against a person accused of Regulatory Prohibited Conduct under this Policy.

In addition to federal legislative requirements, Act 16 of 2019 of the General Assembly of Pennsylvania requires all postsecondary institutions in the Commonwealth of Pennsylvania to adopt a clear, understandable written policy on sexual harassment and sexual violence that informs victims of their rights under federal and state law, including the crime victims bill of rights.

The Commonwealth Technical Institute at the Hiram G. Andrews Center not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. The Institution is committed to compliance in all areas addressed by Title IX, including access to higher education, career education, math and science, standardized testing, athletics, education for pregnant and parenting students, learning environment, and technology, as well as sexual harassment and sexual violence.

The purpose of this policy is to ensure that the Institution's policies are applied and interpreted in ways consistent with Title IX and other applicable law.

It is the policy of the Institution to provide educational, preventative and training programs regarding sexual or gender-based harassment; to encourage reporting of incidents; to prevent incidents of sexual and gender-based harassment from denying or limiting an individual's ability to participate in or benefit from the Center's programs; to make available timely services for those who have been affected by discrimination; to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this policy may result in the

imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the Commonwealth Technical Institute.

Additionally, Commonwealth Technical Institute at the Hiram G. Andrews Center has entered into agreement with Victim Services, Inc. a sexual assault, domestic violence, and violent crimes center serving Cambria and Somerset Counties in Pennsylvania to provide additional resources and support to CTI at HGAC students and employees. Victim Services, Inc. provides free, confidential services including a 24-hour hotline (1-800-755-1983), an emergency shelter, counseling, trauma therapy, medical and legal advocacy, community education and training for professionals. Victim Services, Inc. provides empowerment-based services that focus on healing, support, and justice for victims of sexual assault, domestic violence, and other violent crimes.

### **Discrimination**

The Commonwealth Technical Institute at the Hiram G. Andrews Center prohibits discrimination and harassment based on race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, genetic information, veteran status, or any other status protected by applicable law to the extent prohibited by law.

Commonwealth Technical Institute at the Hiram G. Andrews Center 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. The Commonwealth Technical Institute at the Hiram G. Andrews Center has designated a Title IX Officer to ensure compliance and respond to reports of violations. The Institution's Title IX Officer is:

#### **Commonwealth Technical Institute TITLE IX Officer**

Amanda Prince  
Vocation Rehabilitation Specialist  
727 Goucher St.  
Johnstown, Pa. 15905  
(814)254-0617

Commonwealth Technical Institute at the Hiram G. Andrews Center 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. This Policy does not alter any obligations of the Institution under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the resolution process that do not fundamentally alter the process. This policy applies to all on campus and off-campus conduct that is likely to have a substantial adverse effect on any member of the Institution community. There is no time limit for reporting allegations of sexual misconduct, however, the institution strongly encourages the prompt reporting of sexual misconduct to allow the Institution to respond promptly and effectively.

### **SEXUAL MISCONDUCT and RELATED DEFINITIONS**

**Consent** is a knowing and voluntary agreement to engage in specific sexual activity at the time of the

activity communicated through clear actions and/or words that are mutually understood. To be valid, Consent must be active, present and ongoing. Consent is not present when it is the result of coercion, intimidation, force, or threat of harm. Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol and other drugs are involved, incapacitation is a state beyond being under the influence of or impaired by the drug. Alcohol and other drugs impact individuals differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the institution 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.

In Pennsylvania the age of consent is 16 years old. 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, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute.

A **Complainant** is an individual who has reported being or is alleged to be subjected to conduct that could constitute covered sexual misconduct as defined under this Policy.

A **Respondent** is any individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct as defined under this Policy.

**Unwelcome Conduct** is when a person (1) did not request, invite or consent to the conduct and (2) regards the unrequested or uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making that determination: statements by any witnesses to the alleged incident; information about the relative credibility of the parties and witnesses; the detail and consistency of each person's account; the absence of corroborating information where it should logically exist; information that the Respondent has been found to have harassed others; information that the Complainant has been found to have made false allegations against others; information about the Complainant's reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others.

In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting the conduct, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or reasonably should have known of the person's impairment or incapacity. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A Respondent's impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish the Respondent's responsibility for sexual or gender-based harassment under this policy.

**Sexual Assault** includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:

- **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.
- **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 similarly touch or fondle oneself or someone else.
- **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, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute.

**Sexual Exploitation** is engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following, including when 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
- Indecent exposure or inducing others to expose private or intimate parts of the body 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
- Prostituting another individual
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity

**Sexual Harassment** is unwelcome conduct of a sexual nature that has the purpose or effect of creating an intimidating, offensive or hostile environment. This policy applies to all interactions between students, faculty, staff, and administrative personnel, and other. Conduct alleged to be sexual harassment will be evaluated by considering the totality of the circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned conduct. Repeated incidents or a pattern of harassing behavior may be cause for serious corrective action. However, a more serious incident, even if isolated, may be sufficient cause for action under this policy including referral to law enforcement when applicable.

**Quid Pro Quo Sexual Harassment** occurs when an individual's participation in unwelcome sexual conduct is presented or required as a term or condition to receive aid, benefit or service or to avoid a threatened harm. **Hostile Environment Sexual harassment** is unwelcome conduct, on the basis of sex, a reasonable person would consider severe, pervasive and objectively offensive so as to effectively deny a

person equal access to the Commonwealth Technical Institute's programs or activities. Whether the conduct creates a hostile environment may depend on a variety of factors, including the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred. **Gender-Based Harassment** is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation, or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from The Commonwealth Technical Institute's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

**Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship will be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

**Domestic Violence** includes any violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

- 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 person 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, email 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.

## **REPORTING SEXUAL MISCONDUCT**

Any individual, including a third party, may make a report concerning sexual misconduct. Complainants and third parties are encouraged to report sexual misconduct as soon as possible to allow the Institution to respond promptly and effectively.

**Reports to the Title IX Coordinator.** Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the person subjected to conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone,

or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report:

**Commonwealth Technical Institute TITLE IX Officer**

Amanda Prince  
Vocation Rehabilitation Specialist  
727 Goucher St.  
Johnstown, PA 15905  
(814)254-0617  
aprinced@pa.gov

**Electronic and Anonymous Reporting.** You may also file a report about sexual misconduct using the links below. While anonymous reports are accepted, the Institution's ability to address misconduct reported anonymously is significantly limited.

Individuals may link to the [CTI at HGAC Title IX information](#) to electronically file a report of sexual misconduct.

Individuals may also file a report electronically by email to: [aprinced@pa.gov](mailto:aprinced@pa.gov).

**Criminal Reporting Options.** A Complainant may also seek to initiate a criminal complaint, independent of or parallel with any report made to the Institution. The institution may not be informed of reports made directly with law enforcement.

**Commonwealth Technical Institute at the Hiram G. Andrews Center Security** (814) 255-8200  
**Upper Yoder Township Police** 911 or (814) 472-2100

**Filing a Formal Complaint.** To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The Sexual Misconduct Resolution Process under this Policy begins with the filing of a Formal Complaint and will be concluded in a reasonably prompt manner, usually no longer than 90 days after the filing of the Formal Complaint. A Complainant who files a Formal Complaint may elect, at any time, to address the matter through an informal resolution process.

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**External Reporting Options.** Victim Services, Inc. can help with filing a complaint of sexual, dating, and domestic violence and stalking with CTI at HGAC, its Title IX Coordinator, and local law enforcement.

**Victim Services, Inc.** 24-Hour Helpline Toll Free 800-755-1983 or (814) 288-4961.

Individuals may also file complaints of alleged Title IX violation with the following agencies. The institution may not be informed of reports made with law external agencies.

**U.S. Department of Education's Office for Civil Rights** regarding an alleged violation of Title IX by calling 1-800-421-3481; 1-877-521-2172 TTY or emailing [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov) or visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

**Pennsylvania Human Relations Commission** 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; or by visiting <https://www.phrc.pa.gov/Pages/default.aspx>.

## **INVESTIGATION AND RESOLUTION OF COMPLAINTS OF SEXUAL MISCONDUCT**

Commonwealth Technical Institute at the Hiram G. Andrews Center will take appropriate action (investigation, adjudication, and disciplinary and remedial/corrective steps) in response to all complaints of misconduct as outlined above. The Commonwealth Technical Institute will make every effort to handle complaints and investigations with sensitivity to both the rights of the complainant and the rights of the respondent and endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases or when the Institution is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion. Further, Commonwealth Technical Institute prohibits retaliation against any individual who in good faith makes a complaint of sexual misconduct or participates as a witness in a proceeding under this or any other Commonwealth Technical Institute at the Hiram G. Andrews Center policy. Retaliation is also unlawful pursuant to Title IX and other laws.

**The Investigation of Complaints of Sexual Misconduct** involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint to seek or to hold the accused responsible through the Commonwealth Technical Institute at the Hiram G. Andrews Student Code of Conduct. As soon as possible, the complainant and the respondent will be offered appropriate assistance, support services and resources.

Commonwealth Technical Institute handles complaints discreetly and attempts to maintain privacy throughout the investigative process, to the extent practicable and appropriate under the circumstances. However, to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, the institution may have legal obligations to disclose information to law enforcement or in the context of legal proceedings. Complaints may be made anonymously. While the Commonwealth Technical Institute at the Hiram G. Andrews Center endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while the Commonwealth Technical Institute attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

Based on the outcome of the investigation, the Title IX Officer or their designee will determine if there is sufficient cause to proceed with the complaint. If so, the Title IX Officer or their designee will arrange for an informal resolution conference with the respondent. (Complainants do not attend informal resolution meetings but are apprised of the meeting's outcome.) If the respondent does not accept responsibility for the allegations and/or the proposed sanction, the Title IX Officer or their designee will determine if the evidence warrants a formal hearing before the designated Investigators. The exact nature of the responsive action depends on the circumstances but, may include discipline up to and including suspension or dismissal from the Institution for a student, staff or faculty who is found to have violated Institutional policies.

**Informal Resolution of Sexual Misconduct Complaints**, such as mediation, may be used as an alternative to a formal investigation and hearing procedure. Informal resolution is a voluntary process and may be used only where a Formal Complaint has been filed. Upon written agreement of all parties, informal resolution may be initiated at any time prior to finding of responsibility in a hearing and may be terminated at any time prior to final resolution. If the informal process is terminated, the formal resolution process, which includes an investigation and hearing, will proceed. Once a final resolution has been reached and documented and signed by all parties, the resolution cannot be appealed.

In such cases as determined appropriate by Commonwealth Technical Institute, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the respondent.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. The Commonwealth Technical Institute endeavors to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, the Commonwealth Technical Institute attempts to investigate and resolve complaints in accordance with the victim's wishes.

**Formal Resolution of Sexual Misconduct Complaints** is initiated by a Complainant providing the Title IX Coordinator a written, signed Formal Complaint describing the facts alleged. See the section titled Filing a Formal Complaint above. The Title IX Coordinator will draft and provide a written Notice of Allegations to any Party alleged to have violated this Policy. Such notice will occur as soon as practicable, but no more than 10 days, after the Institution receives a Formal Complaint of the allegations if there are no extenuating circumstances.

Commonwealth Technical Institute at the Hiram G. Andrews Center will investigate and adjudicate formal complaints of sexual misconduct using a **Grievance Process** that incorporates due process principles, treats all parties fairly, and reaches reliable responsibility determinations. This grievance process will:

- give both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney), and an equal opportunity to submit and review evidence throughout the investigation;
- use trained Title IX personnel (Title IX Coordinator, investigators, decision-makers, and facilitators of informal resolution process) to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party;
- protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process;
- obtain the parties' voluntary, written consent before using any kind of "informal resolution" process, such as mediation or restorative justice, and not use an informal process where an employee allegedly sexually harassed a student;

- apply a presumption that the respondent is not responsible during the grievance process (often called a “presumption of innocence”), so that the school bears the burden of proof and the standard of evidence is applied correctly;
- use and state whether the school has chosen either the preponderance of the evidence standard or the clear and convincing evidence standard (and use the same standard for formal complaints against students as for formal complaints against employees);
- reasonably prompt time frames with delays only in good cause for collaboration with police or necessary hearing accommodations;
- grievance process must describe range of possible remedies;
- ensure the decision-maker is not the same person as the investigator or the Title IX Coordinator (i.e., no “single investigator models”);
- for postsecondary institutions, hold a live hearing and allow cross-examination by party advisors (never by the parties personally); and
- protect all complainants from inappropriately being asked about prior sexual history (“rape shield” protections).

Commonwealth Technical Institute at the Hiram G. Andrews Center utilizing an Investigator designated by the Title IX Coordinator will perform an **Investigation** of the conduct alleged under a reasonably prompt timeframe, following issuance of the Notice of Allegations. The institution will conform to the following when performing this investigation:

- The burden of gathering evidence and burden of proof must remain on schools, not on the parties.
- Schools must provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- Schools must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag orders”).
- Parties must have the same opportunity to select an advisor of the party’s choice who may be, but need not be, an attorney.
- Schools must send written notice of any investigative interviews, meetings, or hearings.
- Schools must 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.
- Schools must 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.
- Schools must dismiss allegations of conduct that do not meet the Final Rule’s 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.
- Schools 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.

- Schools must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- Schools 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.

When determined necessary and absent an informal resolution process, Commonwealth Technical Institute at the Hiram G. Andrews Center under this process will hold a live **Hearing**:

- 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 the credibility.
- 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.
- At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.
- Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
- If a party does not have an advisor present at the live hearing, the school must provide an advisor of the school's choice to conduct cross examination on behalf of that party.
- If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
- Schools must create an audio or audiovisual recording, or transcript, of any live hearing.

The Final Rule requires Commonwealth Technical Institute's grievance process to state whether the **Standard of Evidence to Determine Responsibility** is the preponderance of the evidence standard or the clear and convincing evidence standard. The Final Rule makes each school's grievance process consistent by requiring each school to apply the same standard of evidence for all formal complaints of sexual harassment whether the respondent is a student or an employee (including faculty member).

- The decision-maker (who cannot be the same person as the Title IX Coordinator or the investigator) 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.
- Send both parties a written determination simultaneously regarding responsibility explaining how and why the decisionmaker reached conclusions and how to file an appeal.

- HGAC must offer both parties an appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.
- Effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment.
- Protect any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process.

## **A STATEMENT OF CURRENT POLICIES CONCERNING THE SEXUAL VIOLENCE EDUCATION PROGRAM AND RELATED RESOURCES**

In compliance with Article XX-G of the Pennsylvania Public School Code, Commonwealth Technical Institute at the Hiram G. Andrews Center provides a sexual violence education program in consultation with community resources that includes sexual violence, dating violence, domestic violence, and stalking education, prevention and response. In addition, the institution has several relevant materials available in the Counseling Office and through evening Therapeutic Programming. These resources are from nationally recognized organizations and include awareness and preventive information and help hotlines related to these specific topics.

The Commonwealth Technical Institute at the Hiram G. Andrews Center engages in educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking
- Defines what behavior and actions constitute consent to sexual activity in the State of Pennsylvania.
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

This educational campaign will consist of but not be limited to the following information and resources presented here in brief.

**Risk Reduction/Warning Signs of Abusive Behavior.** No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to avoid potential attacks.

### **Warning Signs of Abusive Behavior**

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

- Being afraid of your partner.
- Constantly watching what you say to avoid a “blow up.”
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
- Being monitored by your partner at home, work, or school.
- Being forced to do things you don’t want to do.

### **Help Reduce Your Risk and Avoid Potential Attacks**

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- Consider making a report with the Campus Director and ask for a “no contact” directive from the Commonwealth Technical Institute to prevent future contact.
- Consider getting a protective order or stay away order.
- Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
- Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

### **Sexual Assault Prevention (From Rape, Abuse and Incest National Network - RAINN)**

- Try not to leave your drink unattended.
- Only drink from un-opened containers, or from drinks you have watched being made and poured.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

### **Traveling Around Campus**

- Make sure your cell phone is easily accessible and fully charged.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to campus services if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Carry a noisemaker on your keychain.
- Carry a small flashlight on your keychain.

The Commonwealth Technical Institute has a sexual assault prevention program that includes, but is not limited to the following:

- If an assault occurs, report it immediately
- Do not disturb the crime scene
- Notify local law enforcement officials
- Secure counseling for the victim
- Change of academic schedule and/or living situation (on campus housing) if requests
- Disciplinary actions may include dismissal from the CTI at HGAC

The nature of sexual assault, particularly when perpetrated by an acquaintance, makes it difficult for many survivors to report their experience. For this reason, the local Shelters and Women's Help Centers are primary places where individuals may seek assistance in complete confidentiality.

To make this program effective, students are to familiarize themselves with emergency procedures. Nothing herein precludes any student, staff or faculty from contacting the appropriate authorities directly in the event they feel in threat of physical harm or imminent danger.

<b>Hiram G. Andrews Center Title IX Coordinator (Staff) – Amanda Prince</b>	(814) 254-0617
<b>Hiram G. Andrews Center Security Upper Yoder Township Police</b>	(814) 255-8200 911
<b>Hiram G. Andrews Center Counseling Department</b>	(814) 254-0582
<b>Hiram G. Andrews Therapists Victims Services Inc.</b>	(814) 254-0606 24-Hour Helpline (814) 288-4961 or Toll Free 800-755-1983