

## **VIOLENCE AGAINST WOMEN ACT (TITLE IX)**

### **Anti-Harassment/Violence and Discrimination Policy**

Career Technology Center of Lackawanna County (CTCLC) is committed to providing a work and school environment free of unlawful harassment, violence or discrimination. In furtherance of this commitment, all post-secondary students and employees participate in mandatory Sexual Harassment/Violence and Prevention Training and prevention and awareness programs that are scheduled regularly. School policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. Additionally, in accordance with Title IX of the Education Amendments of 1972, CTCLC prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and has jurisdiction over Title IX complaints.

CTCLC's anti-harassment policy applies to all persons involved in the operation of CTCLC, and prohibits unlawful harassment by any employee of CTCLC, as well as students, customers, vendors or anyone who does business with CTCLC. It further extends to prohibit unlawful harassment by or against students. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom CTCLC does business engages in unlawful harassment or discrimination, CTCLC will take appropriate corrective action.

### **Definitions**

1. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program.
2. **Sex Offenses/Violence:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Sexual Harassment**-is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.
  - **Rape**- The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

3. **Domestic Violence:** A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim; • By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

4. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, 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.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

5. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means,

follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**6. Programs to prevent dating violence, domestic violence, sexual assault, and stalking:**

Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels
- Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

**7. Awareness programs:** Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**8. Bystander intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene

**9. Ongoing prevention and awareness campaigns:** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

**10. Primary prevention programs:** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

**11. Risk reduction:** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**12. Prompt, fair, and impartial proceeding:** A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused; includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused

**13. Advisor:** Any individual who provides the accuser or accused support, guidance, or advice.

**14. Proceeding:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings.

Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**15. Result:** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution.

The result must include any sanctions imposed by the institution.

**16. Unfounded Crimes:** An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

**17. Consent:** is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

### **Prohibited Conduct**

This policy 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 work environment, which means the alleged conduct is sufficiently serious to limit or deny a student’s or 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 sexual harassment or sexual violence, notify the School Administrative Director, Director of Practical Nursing, Faculty, Staff or 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. No employee, contract worker, student, vendor or other person who does business with CTCLC is exempt from the prohibitions in this policy. Supervisors will refer all harassment complaints to the Title IX Coordinator for student-related complaints. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved, including witnesses.

All complaints involving a student will be referred to the campus's Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

#### **Title IX Coordinator:**

**James McHale (570) 346-8471 ext. 194**  
**Career Technology Center of Lackawanna County**  
**3201 Rockwell Avenue**  
**Scranton, Pennsylvania 18508**  
**[jmchale@ctclc.edu](mailto:jmchale@ctclc.edu)**

CTCLC ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the institutions grievance procedures operate. Because complaints can also be filed with an employee's supervisor, these employees also receive training on the CTCLC's grievance procedures and any other procedures used for investigating reports of sexual harassment.

### **Investigation of Complaints**

In response to all complaints, CTCLC 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. CTCLC shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student does not give consent for an investigation, CTCLC 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 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 CTCLC will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties may have one other person (including attorney if desired) present at any proceedings or meetings related to alleged offence. Both parties will receive written notice of the outcome of the complaint.

During the investigation, CTCLC will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved. If CTCLC determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and CTCLC will take steps to prevent the recurrence of any harassment or discrimination, including changing a victim's academic situation after an alleged sex offense, and the options for those changes if those changes are requested by the victim and are reasonably available.

Any employee determined by CTCLC 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. Students and Employees have option to notify appropriate law enforcement agencies, and the school will assist as requested. 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. A law enforcement investigation does not relieve the school of its independent Title IX obligation to investigate the conduct and resolve complaints promptly and equitably. Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. To the extent that an employee or contract worker is not satisfied with the CTCLC's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

## **Retaliation Prohibited**

CTCLC 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 your supervisor, Human Resources or the Title IX Coordinator.

## **Reporting Requirements**

Victims of sexual misconduct should be aware that CTCLC's 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. CTCLC 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. CTCLC reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status. The school must report, annually, all campus crime incidents.

- Under the Violence Against Women Act, post-secondary institutions are required to:
- Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates
- Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.

Because CTCLC is a relatively small campus without dormitories or housing the campus crime statistics are low. However, CTCLC has implemented programs and protocol to educate and serve our students. The policy for reporting sexual assault is included in the "Practical Nursing Program Student Catalog/Handbook, and can also be found on-line at [www.ctclc.edu](http://www.ctclc.edu). Also, included on this tab is the "CTCLC Jeanne Cleary Campus Security Report", which is also updated and made available to each student October 1. This report offers the campus crime statistics, including sexual assault reports, for three prior years.

The Clery Act requires that colleges inform students of procedures that victims should follow, such as preservation of evidence and to whom the offenses should be reported. VAWA adds that institutional policies must also include information on:

1. Victims' option to, or NOT to, notify and seek assistance from law enforcement and campus authorities.
2. Victims' right and institutional responsibilities regarding judicial no-contact, restraining, and protective orders.

Preventative safety measures in place at CTCLC include timely scheduled presentations addressing sexual assault risk reduction, sexual assault education and reporting protocol, evidence preservation processes, stalking prevention (stalking, defined as conduct directed at a specific person that would cause a person to fear for his/her/other's safety, or suffer substantial emotional distress) domestic abuse, dating violence, acquaintance rape, etc. These issues are addressed at orientation, as well as scheduled programs for all students throughout the calendar year. The dates of these educational events are posted prior to the presentation date and announced to the student body. The Program Director keeps on file a schedule of the programs, as well as a participant attendance roster. Complete literature on sexual assault risk reduction, date rape education, and the responsibility and reporting process of the CTCLC is available from the Program Director.

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the CTCLC Program Director. Filing a police report with CTCLC will not obligate the victim to prosecute, nor will it subject the victim (either student or employee) to scrutiny, negative repercussion or judgmental opinions from CTCLC. CTCLC will help file a police report, if requested. Filing a police report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Upon report of an alleged sex offense, CTCLC will investigate immediately with the victim's confidentiality respected. The specifics of the assault and the names of the victim and the offender will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of CTCLC to provide protective measures. The school has mandated protocol in place of reporting any and all sexual offenses to the Program Director. The school will adhere to any legal sanctions or protective measures imposed as a result of a final determination of any sexual assault incidences. CTCLC is also obligated to comply with a student's request for an academic situation change following an alleged sex offense, which includes a change in schedule, protection and precautions that the alleged offender not be permitted to have contact with the victim through classes or lab services.

Victims will be referred to the Crime and Assault/Victim Services and Domestic Violence Centers. In addition, a listing of counseling opportunities can be found on the CTCLC Practical

Nursing Program website at [ctclc.edu](http://ctclc.edu) and state-wide listings can be found at <http://www.state.ia.us/government/aidmap/map.html>.

### **Additional Information**

Students may contact the Title IX Coordinator with any questions related to this policy. The school will also provide contacts to counseling, mental health or other services (health, victim advocacy, legal assistance) for victims of discrimination or sex offenses. CTCLC will also help obtain or enforce a no contact directive or restraining order. In addition, 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/>

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