

PURPOSE

Vatterott Educational Centers, Inc. ("Vatterott") is committed to creating, fostering, and maintaining an educational, employment, business, and campus environment that is free from sex-based discrimination, sexual harassment, and sexual violence. In keeping with this commitment, and consistent with Title IX of Education Amendments of 1972, Vatterott prohibits discrimination based on sex and sexual harassment, including sexual violence in its educational programs and activities.

This *Policy* supersedes all prior policies and guidance relating to Title IX.

COVERED PERSONS

The College Community including current students, employees, prospective students, customers, third-party contractors, third-party visitors, and all others persons participating in the College's educational programs and activities.

ISSUING DEPARTMENT

Regulatory Department

POLICY**I. Title IX of the Education Amendments of 1972**

Title IX of the Education Amendments of 1972 ("Title IX") §§ 1681 et seq., and its implementing regulations, 34 C.F.R Part 106, prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.

II. Vatterott's Policy Statement

Vatterott prohibits all forms of sexual misconduct, including but not limited to, sexual assault, stalking, dating or domestic violence, and sexual harassment. Such conduct violates the community values and principles of our institution, and disrupts the learning and working environment for students, faculty, staff, and other community members. In furtherance of this policy, Vatterott has adopted the following policies, procedures, and standards of conduct for all members of our community with respect to sexual misconduct.

III. Handling of Complaints Covered by this Policy

Vatterott's Title IX Coordinator is responsible for coordinating the College's compliance with Title IX, as well as other complaints brought concerning violations of this policy. The Title IX Coordinator's responsibilities include overseeing all Title IX reports of sexual harassment and sex-based discrimination, performing investigations, gathering documentation, disseminating information, and addressing any patterns or systematic problems that arise. To assist the Title IX Coordinator, Vatterott has designated Title

IX Officers, all whom serve as the Campus Directors for each respective campus. All Title IX Officers are authorized to receive reports of sexual harassment and sex-based discrimination, and report the same to the Title IX coordinator.

The College has designated the following individual as the Title IX Coordinator:

Megan Wilson
Vice President of Regulatory Affairs
8580 Evans Avenue
Berkeley, MO 63134
Phone: 314-264-1500
Email: titleixcoordinator@vatterott.edu

The College has designated the following individual as Title IX Deputy Coordinator:

Danielle Toner
Administrator of Student Affairs
4131N Corrington Avenue
Kansas City, MO 64117
Phone:
Email: studentaffairs@vatterott.edu

The College has designated the following individual as Title IX Officer:

Lee Mueller
Campus Director
110 Commerce Lane
Fairview Heights, IL 62208
Phone: 618-489-2400
Email: lee.mueller@vatterott.edu

All students, faculty, staff and applicants, who have concerns about discrimination on the basis of sex, Title IX violations or requirements, including any concerns pertaining to sexual harassment, sexual violence or any matters covered by this policy, are encouraged to seek the assistance of either the Title IX Coordinator or a Title IX Officer. The Coordinator and Officers are knowledgeable about, and will provide information on, all options for addressing and resolving such reports or concerns. Those options may vary depending on the nature of the incident; whether the complainant is a student, faculty, staff or applicant; the wishes of the complainant regarding confidentiality; and whether the complainant prefers to proceed formally or informally. Together, the Coordinator and Officers play an integral role in carrying out the College's commitment to creating, fostering and maintain an educational, employment, business and campus environment that is free of discrimination on the basis of sex and other discrimination as well as sexual harassment

IV. Reporting of Complaints Covered by this Policy

If you believe that you have been a victim of sexual harassment, sexual violence, dating or domestic violence, stalking or sex-based discrimination, or if you wish to report such an incident, you have several options and are strongly encouraged to report such incidents orally or in writing to Vatterott's Title IX Coordinator, Title IX Deputy Coordinator, or a Title IX Officer.

You may also choose to file your complaint electronically via Vatterott's Title IX Incident Report Form, available online at <http://www.vatterott.edu/Title-IX/title-ix.asp>. Using the Title IX Incident Report form allows a victim, third-party, or bystander to submit a complaint/report of sexual harassment or sex-based discrimination directly to Vatterott's Title IX Coordinator, and may choose to do so anonymously. However, without the contact information of the reporting party, Vatterott may not be able to fully investigate and respond to the complaint.

You may also report incidents of harassment, discrimination, or retaliation by calling Vatterott's Ethics Hotline at 1-866-8610 (or St. Louis local 314-264-1514). If you do so, you can either identify yourself or leave a message anonymously.

Vatterott recognizes that a student or employee may choose to confide in any employee of the College. For example, a student may choose to report the alleged violation to an instructor, program director, or staff member. Similarly, an employee may choose to confide in a colleague, supervisor, or member of the Human Resources department. However, it shall be noted that all Vatterott employees that receive reports of violations of this policy, or know or reasonably should know of the occurrence of violations of this policy are required to forward these reports to the Title IX Coordinator. The Title IX Coordinator is to be made aware of all complaints made pursuant to this policy so that they may monitor compliance.

In addition to the foregoing, all faculty and staff who become aware of or suspect sexual abuse of a minor (under the age of 17) must report that information to the Title IX Coordinator or a Title IX Officer who shall then inform local, state and/or federal law enforcement officials of such incident as required by law.

Please be aware that while a report may be submitted in a variety of ways, including to any responsible employee and via email, for purposes of complying with State law, the institution defines an "electronic report" as any report submitted via email to the Title IX Coordinator at titleixcoordinator@vatterott.edu or via the Institution's online reporting system.

V. Options for Reporting and Availability of Support

In addition to reporting the matter to the Title IX Coordinator, Title IX Deputy Coordinator, or Title IX Officer, or a supervisor, persons may also need to address immediate physical and/or emotional trauma associated with the alleged harassment or assault. If it is an emergency, please call 911. Importantly, a victim should contact any of the following immediate care support providers:

Local Law Enforcement

10027 Bunkum Rd.
Fairview Heights, IL 62208
618-489-2100 (non-emergency)

Local Sexual Assault/Rape Crisis Center

Call for Help Sexual Assault Victims Care Unit
4601 State Street
East St. Louis, IL 62205

618-271-8990

Website: <http://www.callforhelp.org>

Local Hospital

Memorial Hospital
4500 Memorial Drive
Belleville, IL 62226
618-233-7750

For additional information on available resources to victims of sexual assault, domestic violence, dating violence, or stalking please visit or contact the following:

- <http://www.icasa.org/home> - Illinois Coalition Against Sexual Assault 217-753-4117
- <http://www.notalone.gov/> – Not Alone – Together Against Sexual Assault
- <http://www.rainn.org> – Rape, Abuse, and Incest National Network (800) 656-4673
- <http://www.justice.gov/ovw/sexual-assault> – Department of Justice Sexual Assault
- <http://www.loveisrespect.org/> – Love is Respect – call (866) 331-9474 or text LOVEIS to 22522
- <http://www.victimsofcrime.org/our-programs/stalking-resource-center> – Stalking Resource Center
- <http://www.thehotline.org> - National Domestic Violence Hotline - 800-799-7233

VI. Privacy and Confidentiality

Vatterott encourages victims of sexual harassment and discrimination to talk to somebody about what happened so that he or she may get the support they need, and so that Vatterott can respond appropriately. Because issues arising under Title IX are often sensitive in nature, Vatterott maintains the highest level of privacy regarding all reports of sexual discrimination and/or sexual harassment. While Vatterott strictly prohibits the disclosure of private information obtained through an investigation, it should be noted that circumstances may arise when law and/or policy requires the disclosure of sensitive information.

Please be aware that all Vatterott employees are “responsible employees,” and have the obligation to communicate reports of sexual misconduct to the Title IX Coordinator. When a reporting party tells a responsible employee about an incident of sexual violence, the reporting party has the right to expect the College to take immediate and appropriate steps to investigate what happened and resolve the matter promptly and equitably. To the extent possible, information reported to a responsible employee will be shared only with Vatterott officials responsible for handling the College's response to the report, including the Title IX Coordinator.

Upon receipt of a report of sexual misconduct, Vatterott's Title IX Coordinator will inform and obtain the reporting party's consent prior to commencing an investigation. Should the reporting party request anonymity/confidentiality or request that no investigation be conducted, the Coordinator will take all reasonable steps to investigate and respond to the complaint consistent with the request for anonymity/confidentiality and/or request that an investigation not be pursued.

Upon the reporting party's insistence that their name or other identifying information be kept in confidence, the Coordinator has the duty to inform the reporting party that in doing so, the ability of authorized representatives to properly respond to the alleged misconduct may be limited.

If anonymity is further insisted upon, Vatterott officials will evaluate the request in context with its responsibility to provide a safe and nondiscriminatory environment for all students. Specifically, Vatterott will weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been previous complaints of harassment relating to the same offender; and the alleged perpetrator's rights to receive information about the allegations if the information is maintained by Vatterott as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99. Vatterott will inform you if confidentiality cannot be ensured.

Please be aware that even if Vatterott cannot take disciplinary action against the alleged perpetrator as a result of an insistence of confidentiality, Vatterott may pursue alternative measures in efforts to limit the effects of the alleged misconduct and prevent its recurrence.

Off-Campus Counselors and Advocates

Off-campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form.

For contact information for these off-campus resources please visit Illinois Coalition Against Sexual Assault at <http://www.icasa.org/crisisCenters.aspx?PageID=501> or Not Alone: Together Against Sexual Assault at www.notalone.gov/resources.

Confidential Advisors: If you wish to report an incident in confidence, you may also contact a confidential advisor from the Call for Help Sexual Assault Victims Care Unit:

Call for Help Sexual Assault Victims Care Unit
4601 State Street
East St. Louis, IL 62205
618-271-8990
Website: <http://www.callforhelpc.org>

These advisors do not have a mandatory reporting duty under Title IX, and do not have to reveal any identifying information about the incident to Vatterott. Any and all communication to these confidential advisors is privileged and confidential.

While maintaining confidentiality, these advisors also serve to assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working, or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These advisors will provide the

victim with assistance if the victim wishes to do so.

NOTE: While these advisors may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under State law. (e.g. mandatory reporting to law enforcement in case of minors; imminent harm to self or others).

VII. Victim Rights & Options

Regardless of whether an individual elects to pursue a criminal complaint, or whether the offense is alleged to have occurred on or off campus, Vatterott will assist victims of sexual misconduct. If an individual is a victim of sexual assault, domestic violence, dating violence, or stalking, his or her first priority should be to locate a place of safety. He or she next should obtain any necessary medical treatment. Preserving evidence is very important, as it may be necessary to the proof of sexual assault, domestic violence, dating violence, or stalking, or in obtaining a protection order. Please be aware that a free medical forensic examination is available to victims of sexual violence at Memorial Hospital, located at 4500 Memorial Dr., Belleville, IL 62226, phone: 618-233-7750. The College strongly advocates that subsequent to securing safety and medical care, any victim of sexual assault, domestic violence, dating violence, or stalking should report the incident immediately to the Title IX Coordinator. The College has the obligation to provide victims who report incidents of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, with a copy of this Policy, as well as documentation detailing his or her rights and options, including the following:

- His or her options to (1) notify proper law enforcement authorities, including on-campus and local police; (2) be assisted by campus authorities in notifying law enforcement authorities if he or she so chooses; and (3) decline to notify such authorities.
- His or her rights and options for (and available assistance in) changing academic, living, transportation, and working situations if so requested and reasonably available, regardless of whether he or she chooses to report the crime to the authorities.
- Where applicable, his or her rights, regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, and the College's responsibility to honor the same.
- The United States Department of Justice Violence Against Women Office website, located at <http://www.ovw.usdoj.gov/>, which provides useful information relating to victims' rights and available assistance.

VIII. Complaint and Resolution Procedures

While some reporting parties may wish to pursue action through informal methods in place of, or prior to requesting the initiation of formal proceedings, others may not. You should consider the circumstances surrounding your complaint and choose the option most appropriate. Regardless of your decision, Vatterott is committed to extending all available resources and support. To that end, you may consult with the Title IX Coordinator at any time and request assistance handling matters related to sexual

harassment and discrimination, including the selection of an approach.

Informal Procedures

Informal procedures are optional and may only be utilized when Vatterott deems such procedures adequate.

If you are comfortable handling the situation without assistance, consider the following:

- Clearly say “no” to the individual exhibiting unwelcome behavior
- Communicate with the offender either orally or in writing providing him or her of the following:
 - A factual description of the incident(s) including date, time, place, and specific action.
 - A description of the impact of the action, emotionally, physically, and mentally.
 - A request that the conduct cease.

If you would like to proceed informally but with the assistance of a third party, you may contact your Title IX Officer, Title IX Deputy Coordinator, or Title IX Coordinator. These individuals are familiar with Vatterott's Title IX policies and are available to assist victims of sexual harassment and sexual assault. Additionally, these individuals can provide information pertinent to informal actions and remedies that you may pursue as well as additional information regarding Vatterott's procedures for sexual harassment and discrimination

Additionally, you may request that the Title IX Officer, Title IX Deputy Coordinator or Title IX Coordinator serve as a mediator in efforts to resolve your issue(s) prior to pursuing formal proceedings. Mediation is the process of utilizing a third party to engage in discussions and negotiations in hopes of reaching a mutually agreeable resolution and cessation of the unwanted conduct.

If either party is dissatisfied with the determination rendered subsequent an informal proceeding, he or she may pursue alternative remedies by engaging in the formal process.

If you do not wish to utilize the informal process, you may pursue formal action. Please note that you have the right to end the informal investigation process and begin formal proceedings at any time.

Note: This option is **not** available where allegations of sexual violence or nonconsensual sexual intercourse are raised.

Formal Investigation & Determination

To ensure prompt, thorough, and impartial investigations, all incidents of sex-based discrimination or sexual harassment, including sexual misconduct or retaliation, should be reported to the Title IX Coordinator immediately, either verbally, in the form of a written complaint, or electronically via the Title IX Incident Report Form. This process may lead to a formal hearing at which evidence will be considered and witnesses heard. The Title IX Coordinator can assist you with filing a complaint if you choose to pursue formal action.

Upon receipt of a report of alleged unlawful discrimination, harassment, or retaliation, Vatterott's Title IX Coordinator will investigate without delay. All investigations shall be conducted by the Title IX Coordinator, who is trained in areas involving sex-based discrimination, sexual violence, and nonconsensual sexual intercourse. Please be aware that if the Title IX Coordinator's participation in the investigation poses a conflict of interest, the student has the right to request a different decision maker.

At times, it may be necessary to implement interim protective measures and accommodations before completing an investigation to ensure that further unlawful conduct does not continue. These measures, made per the party's request, may include changes to academic, living, dining, transportation, and working situations, enforcing campus no contact orders, and honoring an order of protection or no contact order entered by a State civil or criminal court. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of this Policy.

The complainant and the accused party may have an advisor present during the investigation, provided that the involvement of the advisor does not result in undue delay of the meeting or proceeding. However, it is important to note that advisors may not advocate on behalf of either party and may only serve in a support role. All advisors will be required to sign a standard form attesting that they have been informed and acknowledge that they may not advocate on behalf of either party and that all information disclosed during the hearing must be kept strictly confidential. If the advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual resolving the complaint, that advisor may be prohibited from further participation.

Vatterott's investigation into allegations of sex-based discrimination, sexual harassment, and/or sexual misconduct, will be conducted in an objective and impartial manner, and carried out in such a way as to maintain privacy to the greatest extent possible. Such investigations may include, but are not limited to, assisting and interviewing the reporting party, identifying and conducting interviews with witnesses, contacting and interviewing the respondent, and gathering evidence. Both the complainant and respondent shall have the opportunity to provide or present evidence and witnesses on their behalf during the investigation. It should be noted that while Vatterott strictly prohibits the disclosure of private information obtained through an investigation, circumstances may arise requiring that the College contact and cooperate with local law enforcement.

The College will endeavor to conclude its investigation and issue a resolution of the complaint within sixty (60) calendar days of the date the complaint was received. All pertinent facts will be carefully reviewed and the accused will be given a full opportunity to explain his or her conduct before any decision is reached.

Vatterott invokes no restrictions on the time at which allegations may be reported. Additionally, the standard of proof in all cases shall be a preponderance of the evidence. This means that a party may be held responsible for the alleged conduct upon a finding that it is *more likely than not* (51% or higher) that he or she engaged in conduct prohibited by Vatterott.

If it is determined that an employee or student has engaged in inappropriate conduct, Vatterott will

take appropriate disciplinary action, consistent with the Policy, the Employee Handbook and/or Student Catalog.

Once a determination is made, both parties will be simultaneously notified in writing of the determination and the right to file an appeal within seven (7) business days. Determinations may include possible clarification of Vatterott policies, clarification regarding the alleged conduct, sanctions, restrictions, and/or conditions. The determination will become final within seven (7) business days unless an appropriate appeal is filed. Appropriate grounds for appeal include procedural error, previously unavailable relevant evidence that could significantly impact the outcomes of the investigation or a claim that the sanction imposed was substantially disproportionate to the finding. Disagreement with the determination does not constitute grounds for appeal. All appeals will be reviewed and decided within seven (7) business days of receipt.

Appeals

Either party may appeal the determination reached by the Title IX Coordinator. All appeals must be submitted in writing to the Vatterott President c/o the Title IX Coordinator (via email at titleixcoordinator@vatterott.edu or via mail at 8580 Evans Avenue, St. Louis, MO 63134) within seven (7) business days of the Title IX Coordinator's determination and clearly set forth grounds for the appeal. Appropriate grounds for appeal include procedural error, previously unavailable relevant evidence that could significantly impact the outcomes of the hearing or a claim that the sanction imposed was substantially disproportionate to the finding. Disagreement with the Panel's decision does not constitute grounds for appeal. The Title IX Coordinator will process the appeal and both parties will be informed simultaneously in writing of any changes arising from said appeal as well as the final determination. Results become final after seven (7) business days.

All appeals will be reviewed and decided within seven (7) business days of receipt.

Hearing Procedures

Upon concluding that there is reasonable cause¹ to believe that an incident of sexual violence, domestic violence, dating violence, or stalking occurred, a hearing may be ordered. In such instances, the complainant, the accused party, and members of the Hearing Panel (hereinafter the "Panel") described below will be provided an opportunity to review the Investigation Report compiled by the Title IX Coordinator, redacted to remove any unnecessary personal information. The Panel comprised of three (3) Vatterott Officials, to include the Vice President of Academics and Accreditation, the Chief Operating Officer and the Vice President of Human Resources, will preside over all Title IX hearings. All officials will be trained to conduct hearings regarding alleged Title IX offenses as well as how to conduct investigations and hearings that protect the safety of alleged victims while promoting accountability. At least one (1) panel member will be physically present during the hearing while others may attend via teleconference. All determinations will be reached using a preponderance of the evidence standard (i.e. more likely than not) and all hearings will be prompt, fair, and impartial.

¹ Reasonable cause is defined as "some credible information to support each element of the offense, even if that information is merely a credible witness or complainant statement."

Hearings are closed to the public. The complainant and the accused party have the right to be present during the hearing but do not have the right to be present during deliberations.

If necessary, arrangements can be made so as to prevent the complainant and the accused party from being present in the hearing room at the same time.

Special Considerations for Title IX Hearings

1. **Panel Composition and Training.** All allegations of Title IX violations found to require a hearing subsequent to a thorough investigation will be heard before the Panel.
2. **Advisors.** The complainant and the accused party may have an advisor of their choice present during the hearing proceedings. However, it is important to note that advisors may not advocate on behalf of either party and may only serve in a support role. All advisors will be required to sign a standard form attesting that they have been informed and acknowledge that they may not advocate on behalf of either party and that all information disclosed during the hearing must be kept strictly confidential.
3. **Standard.** All determinations made by the Panel will be so done using a preponderance of the evidence standard. This means that the accused party will be held responsible for his or her conduct if the Panel determines that it is more likely than not (51% or higher) that he or she did in fact engage in a prohibited act.
4. **Hearing Participation.** Both parties will have the opportunity to be present during any hearing proceedings. Vatterott will make every effort to honor all requests to minimize contact between the reporting party and the accused. Additionally, both parties should be aware that members of the Panel may pose questions to the complainant, the accused, and/or witnesses presented by either party.

Upon commencement of proceedings, the reporting party will be given an opportunity to make opening remarks to the Panel. Such remarks will be limited to ten (10) minutes. Subsequently, the reporting party will be allowed to present any relevant evidence and/or witnesses with personal knowledge of the circumstances resulting in the convening of the hearing. All witnesses will be called as needed and will not be permitted to be present until and unless needed. Cross-examination of the witnesses presented will not be allowed by opposing parties. Further, the complainant and respondent may not directly cross-examine one another, but may, at the discretion of the Panel, suggest questions to be posed by the Panel and respond to the other party.

Upon conclusion of the reporting party's presentation, the accused party will be permitted to make opening remarks to the Panel. Such remarks will be limited to ten (10) minutes. The accused party will also have the opportunity to present relevant evidence and/or witnesses with personal knowledge of the circumstances resulting in the convening of the hearing.

Should new evidence be disclosed during the hearing and without prior consultation with the Title IX Coordinator, the hearing may be delayed to allow the Panel to consider whether the newly disclosed evidence should be permitted.

After all evidence has been presented, the reporting party will be permitted to give closing remarks followed by the accused party. Both parties will be allotted ten (10) minutes during which to provide concluding remarks.

Post-hearing, the Panel will convene, deliberate, and reach a determination. Both parties will be simultaneously notified in writing of the Panel's determination and the right to file an appeal within seven (7) business days. Determinations may include possible clarification of Vatterott policies, clarification regarding the alleged conduct, sanctions, restrictions, and/or conditions. The Panel's determination will become final within seven (7) business days unless an appropriate appeal is filed.

Possible Sanctions. Possible sanctions for a person found guilty of behavior in violation of this Policy include but are not limited to the following:

- Issuance of an oral or written reprimand to be placed in the personnel file;
- Mandatory attendance at a sexual harassment sensitivity program;
- An apology to the victim;
- Issuance of an oral or written warning;
- Transfer or change of job, class, or externship location ;
- Demotion in employment or leadership position;
- Suspension, probation, termination, dismissal, or expulsion;
- Any other sanction deemed appropriate by Vatterott.

While counseling is not considered a sanction, it may be offered or required in combination with the imposed sanctions. Where alcohol and/or drugs are related to acts of sexual harassment, such counseling may include required participation in a substance abuse program.

Appeals. Either party may appeal the Panel's decision. All appeals must be submitted in writing to the Vatterott President c/o the Title IX Coordinator (via email at titleixcoordinator@vatterott.edu or via mail at 8580 Evans Avenue, St. Louis, MO 63134) within seven (7) business days of the Panel's determination and clearly set forth grounds for the appeal. Appropriate grounds for appeal include procedural error, previously unavailable relevant evidence that could significantly impact the outcomes of the hearing or a claim that the sanction imposed was substantially disproportionate to the finding. Disagreement with the Panel's decision does not constitute grounds for appeal. The Title IX Coordinator will process the appeal and both parties will be informed simultaneously in writing of any changes arising from said appeal as well as the final determination. Results become final after seven (7) business days.

All appeals will be reviewed and decided within seven (7) business days of receipt.

IX. Ongoing Criminal Investigations

In instances of sexual misconduct that may also constitute criminal conduct, the reporting party is encouraged to file a report with the appropriate law enforcement agency and may request the assistance of a Vatterott representative in doing so. The pendency of a criminal investigation does not relieve Vatterott of its responsibilities under Title IX. To the extent that doing so does not interfere with any ongoing criminal investigation, Vatterott will proceed with its own investigation and resolution of the complaint.

X. Amnesty

Vatterott is concerned first and foremost with the safety of the entire community. At times, students may be hesitant to report the occurrence of sex-based discrimination or sexual harassment, including sexual assault, to Vatterott officials because they fear that they themselves may be charged with policy violations, such as underage drinking.

However, Vatterott has the obligation to provide immunity to any student who reports, in good faith an alleged incident of domestic violence, dating violence, stalking or sexual assault to Vatterott officials, so that the reporting student will not receive a disciplinary sanction for a student conduct violation, such as underage drinking, that is revealed in the course of such a report, unless the College determines that the violation was egregious, including action that places the health or safety of any other person at risk.

XI. Retaliation

Retaliation against reporting parties or those cooperating with an investigation is strictly prohibited. Violation of this policy may result in Vatterott taking immediate disciplinary action, up to and including suspension and/or expulsion for students or termination for employees.

Retaliation includes, but is not limited to threats, harassment, or intimidation, taken against the reporting party or any third party or parties as a result of their cooperation with an investigation.

XII. Obligations of Vigilance and Reporting

Vatterott can only respond to instances and allegations of harassment or discrimination if it is made aware of such occurrences. Therefore, Vatterott encourages anyone who believes that he or she has experienced sexual harassment or discrimination to promptly come forward with inquiries, reports, or complaints and to seek assistance from Vatterott officials. Furthermore, all Vatterott employees are responsible employees and have an obligation to communicate reports of sexual misconduct to the Title IX Coordinator. Employees who become aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must submit a report to those charged with responding to such allegations and reports. These individuals include the Human Resources Department, the Title IX Officer or the Title IX Coordinator.

Whether confirmed or speculated, Campus Directors, Directors of Education, Program Directors, or other comparable administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Title IX Coordinator immediately. Unconfirmed or

disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to investigate or otherwise respond. Administrators should always consult with the Title IX Coordinator and refrain from conducting independent investigations or otherwise responding to any situation where sexual harassment is alleged. No student, faculty, or employee should assume that a Vatterott official knows about a situation or incident.

XIII. Definitions – Vatterott adheres to the following definitions applicable to this policy:

Consent - an informed, voluntary, mutual, and freely given agreement to engage in sexual activity. The person giving consent must do so absent coercion, threats or blackmail. Both parties must understand that consent is being given and to what consent is being given.

- A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does NOT constitute consent;
- A person's manner of dress does NOT constitute consent;
- A person's consent to past sexual activity does NOT constitute consent to future sexual activity;
- A person's consent to engage in sexual activity with one person does NOT constitute consent to engage in sexual activity with another;
- A person CANNOT consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:
 - o The person is incapacitated due to the use or influence of alcohol and drugs;
 - o The person is asleep or unconscious;
 - o The person is under age; or
 - o The person is incapacitated due to a mental disability.
- A person can withdraw consent at any time.

Sex Discrimination - behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in, the available educational programs, activities, or employment opportunities because of a person's sex.

Sexual discrimination may take many forms including sexual harassment (discussed below), denial of equal opportunities in educational programs, discrimination based on pregnancy and employment discrimination.

Sexual Harassment - unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Sexual harassment includes sexual violence/assault, sexual exploitation, domestic violence, dating violence, stalking where motivated by sex or involving sexual conduct, and gender harassment/stereotyping.

Sexual violence - a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent).

A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Claims of sexual violence will be adjudicated in accordance

with Vatterott Educational Centers, Inc.'s Clery Investigations and Hearing Process.

Sexual Assault – actual or attempted sexual contact with another person without the person's consent. Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or
- Other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- Rape, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object; or (2) the mouth of a person by a sex organ of another person, without that person's consent.

Gender-based harassment – a form of sexual harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature. All of these types of sex-based harassment are forms of sex discrimination prohibited by Title IX and will not be tolerated by Vatterott.

Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

Nonconsensual Sexual Contact - any intentional sexual touching, however slight, with any object or body part, by a man or woman upon another, without consent.

Nonconsensual Sexual Intercourse – any sexual intercourse (anal, oral, or vaginal) however slight, with any object or body part, by a man or woman upon a man or a woman, without consent.

Forced Sexual Intercourse – unwilling or nonconsensual sexual penetration (anal, vaginal or oral) with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware.

Sexual Contact Includes:

- 11.4.1. Intentional contact with the breasts, buttocks, groin, or genitals of another person, or touching another person with any of these body parts; or making another person touch you or themselves with or on any of these body parts; or
- 11.4.2. Any intentional bodily contact in a sexual manner, even where the touching does not involve contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice; or
- 11.4.3. Intercourse, however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

Sexual Exploitation - occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

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 a consideration of the following factors:

- 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 threat of such abuse.

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 cohabiting with, or has cohabited 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; or
- By any 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.

Stalking - Stalking based on one's sex or gender includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

Unwelcome conduct – conduct is considered “unwelcome” if the person did not request or invite it, and considered the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements, or other conduct that may be physically threatening, harmful, or humiliating.

Hostile Environment – exists when sex-based harassment is sufficiently serious to deny or limit the student's ability to participate in or benefit from the College's program or activities. It can be created by anyone involved in a College's programs or activity, including administrators, faculty members, students, and campus visitors.

Factors to determine whether a hostile environment exists includes, but is not limited to the following:

- The type, frequency, and duration of the conduct;
- The identity and relationships of persons involved;
- The number of individuals involved;
- The location of the conduct and the context in which it occurred; and

- The degree to which the conduct affected one or more student's education.

Specifically Prohibited Conduct:

- Engaging in sex-based harassment that creates a hostile environment in or under any program or activity of this College.
- Promising, directly or indirectly, to reward another provided that the he or she comply with a sexually oriented request.
- Threatening, directly or indirectly, retaliation if a person refuses to comply with a sexually oriented request.
- Denying, directly or indirectly, an education or employment related opportunity if the person refuses to comply with a sexually oriented request.
- Engaging in unwelcome sexually suggestive conversation or inappropriate physical contact or touching of another.
- Engaging in indecent exposure.
- Making repeated sexual or romantic advances toward another despite his or her rejection.
- Engaging in unwelcome physical contact such as touching, blocking normal movement, physical restraint, or assault.
- Retaliating against another for filing a harassment complaint or threatening to report harassment.

Sexual harassment can involve males and/or females being harassed by members of the opposite or same sex.

Sexual harassment can be physical or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

If you have any questions regarding this policy, please do not hesitate to contact the Title IX Coordinator via email at titleixcoordinator@vatterott.edu.