



POLICY AND PROCEDURE

Policy Name:	Title IX Sexual Harassment and Misconduct Policy		
Policy #:	3.01	Category:	College Environment
Responsible Office:	Human Resources	Effective Date:	8/14/2020
Responsible Director:	Director of Human Resources, Title IX Coordinator, Disability Services Coordinator	Revised:	7/30/2021
Approval:			
President			08 / 04 / 2021
Title	Signature		Date
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Replaces Policy No. 2003 Title IX Sexual Misconduct and Harassment Policy

PURPOSE

In 1972, Title IX of the Education Amendments was enacted and was a way for the federal government to overtly recognize and prohibit discrimination on the basis of sex in public institutions that receive federal funding. In the four decades following its enactment, no Title IX regulations have been promulgated to address sexual harassment as a form of sex discrimination; instead, the Department of Education has addressed this subject through a series of guidance documents (U.S. Federal Register) disseminated by the Office of Civil Rights (OCR).

SCOPE

This policy applies to all employees and students of Casa Loma College. It also covers harassment involving patrons, vendors, and other individuals with whom employees or students of the College have interaction as a condition of their employment or educational experience

POLICY

Casa Loma College is committed to fostering an environment that is safe, secure, and free from sexual discrimination and harassment, sexual violence, dating and domestic violence, and stalking. The College recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, and reduce its effects by supporting victims, dealing fairly with offenders, and diligently investigating formal complaints of covered sexual harassment. In addressing these issues, all members of the College must come together to respect and care for one another in a manner consistent with our deeply held academic and community values.

Pursuant to Title IX, this Policy provides that the College will respond promptly, and in a manner that is not deliberately indifferent, when the College has Actual Knowledge of Covered Sexual Harassment prohibited by this Policy, including sexual assault, dating violence, domestic violence, and stalking, that occurs in a College education program or activity, and is committed by a current Casa Loma student, employee, or third party.

As defined below, all Covered Sexual Harassment is prohibited by this Policy. This Policy also prohibits retaliation against any individual who, in good faith, asserts their right to bring a complaint under this Policy (including individuals who make third-person reports), participates or refuses to participate in an investigation or hearing under this Policy, or protests alleged conduct prohibited by this Policy (including retaliation).

The College is committed to responding to all forms of sexual harassment. Reports of misconduct outside the scope of this Policy, including sexual harassment that does not meet the definition of Covered Sexual Harassment prohibited by Title IX and this Policy, may be addressed under other College Policies.

Non-Discrimination In Application

The requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender, gender identity, gender expression, age, race, nationality, class status, ability, religion, or other protected classes covered by federal or State law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about Casa Loma Colleges' Policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://www2.ed.gov/about/offices/list/ocr/index.html>

DEFINITION OF PROHIBITED CONDUCT

Covered Sexual Harassment: Covered Sexual Harassment includes any conduct on the basis of sex that satisfies one or more of the following conditions:

- **Quid Pro Quo** where an employee conditioning educational benefits on participation in unwelcome sexual conduct;
- **Unwelcome Sexual Conduct** that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity;
- **Sexual Assault** (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
- **Dating Violence** (as defined in the Violence Against Women Act ("VAWA") amendments to the Clery Act): Includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

- **Domestic Violence** (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes 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 California’s domestic or family violence laws, or 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 California.
- **Stalking** (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

IMPORTANT POLICY-RELATED CONCEPTS

Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity.

- Consent can be given by words or actions, as long as those words or actions clearly communicate willingness to engage in the sexual activity. It is important not to make assumptions about consent. If there is confusion or ambiguity, participants need to stop sexual activity and communicate about each person’s willingness to continue.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.
- Consent cannot be obtained from, or given by, a person who is incapacitated.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual conduct with one person does not imply consent to engage in sexual conduct with another person.
- Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other’s willingness to continue engaging in the sexual conduct.
- Consent can be withdrawn at any time, including after it is initially given. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Previous relationships or previous consent for sexual activity is not consent to sexual activity at another time. However, established patterns of consent in a specific relationship may be considered when evaluating whether affirmative consent was given on a particular occasion.
- Accepting a meal, a gift, or an invitation to socialize, including on dating apps, does not imply or constitute consent to sexual activity.
- The definition of consent does not vary based on a participant’s sex, sexual orientation, gender identity, gender expression or relationship status.

Education Program or Activity includes:

- Any on-campus premises.
- Any off-campus premises that Casa Loma College has substantial control over.

- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Casa Loma College’s programs and activities over which the College has substantial control.

Formal Complaint: Formal Complaint means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Casa Loma College’s education program or activity and requesting initiation of the procedures consistent with the Title IX Policy to investigate the allegation of sexual harassment. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of the College, including as an employee.

Complainant: Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

Relevance: The basic test for relevance is whether the evidence presented and/or hearing question posed tends to make an allegation of sexual harassment more or less likely to be true. The following type of evidence and questions are not relevant:

- Evidence and questions about the Complainant’s sexual predisposition or prior sexual behavior unless:
 - they are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - they concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Evidence and questions that constitute or seek disclosure of information protected under a legally recognized privilege.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent.

Respondent: Any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

Privacy vs. Confidentiality: References made to **confidentiality** refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to **privacy** mean Casa Loma College offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Casa Loma College will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Retaliation: The College or other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX because the individual

made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

DISABILITY ACCOMMODATIONS

This Policy does not alter any institutional obligations 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 Title IX Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Making A Report Regarding Covered Sexual Harassment

Casa Loma College provides a range of options for those who believe they have experienced sexual harassment and individuals are encouraged to bring their concerns to the College's attention immediately. The College takes allegations of sexual harassment very seriously and will actively respond to alleged sexual harassment and will take remedial action, where appropriate.

The College does not limit the time for submitting a complaint of sexual harassment, but strongly urges the immediate reporting of complaints or concerns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of sexual harassment. The College's ability to investigate and respond effectively may be reduced with the passage of time.

Sexual harassment should be reported immediately to Casa Loma College's Title IX Coordinator:

Name: Veronica Pantoja

Title: Director of Human Resources, Title IX Coordinator & Student Services Disability Coordinator

Office Address: 6725 Kester Ave., Room 101, Van Nuys, CA 91405

Email Address: veronica.pantoja@casalomacollege.edu

Telephone Number: (818) 785-2726 ext. 223

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Reports made to the Title IX Coordinator should include all of the information known to the Complainant or including, but not limited to, the following:

- the identity and status of the Complainant and the Respondent (e.g., employee, student);
- details concerning the incident(s) or conduct that gave rise to the report;
- date(s) of, and location(s) of the incident(s);

- the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known.

Reports may be submitted anonymously, by witnesses, or by others who are made aware of the incident. However, anonymous reports may limit the College's ability to investigate and respond.

Reports of sexual harassment do not automatically initiate a formal investigation. The Title IX Coordinator will attempt to gather additional information from relevant individuals and assess such information in order to determine next steps.

ON-CAMPUS RESOURCES AND SUPPORT

The following Officials **will provide privacy**, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator, Veronica Pantoja. (818) 785-2726 ext. 223 or veronica.pantoja@casalomacollege.edu
- President, Dr. Scott Sand, (818) 785-2726 ext. 214 or scott.sand@casalomacollege.edu
- Student Ombudsman, Nicholas Walsh-Davis. (818) 785-2726 ext. 208 or nicholas.walsh-davis@casalomacollege.edu

The following have been designated as **confidential resources**:

- Student Advocate: Zackary Gilanyi. Room 111, (818) 785-2726 ext. 204 or zackary.gilanyi@casalomacollege.edu
- Student Advocate: Janessa Reyes. Room 111, (818) 785-2726 ext. 227 or janessa.reyes@casalomacollege.edu

OFF-CAMPUS RESOURCES AND SUPPORT

- **Center for Assault Treatment Services (CATS)** – A non-profit organization and a part of Northridge Hospital Medical Center, the CATS Program is open 24/7 for victims of sexual assault in the San Fernando and Santa Clarita Valleys.
Hotline: 818-908-8632
- **National Sexual Assault Online Hotline** - Offers free, confidential, and secure help 24/7, if you need someone to talk to or help with pressing charges or understanding your healing process.
Hotline: 800-656-HOPE (4673)
- **RAINN (Rain, Abuse, & Incest National Network)** - Can help you find a local rape crisis center anywhere in the U.S. when you click [here](#). These crisis centers also have 24/7 hotlines that serve victims of sexual violence. They are trained to provide you with the support and information you need.
- **[Peace Over Violence - Rape and Battery Hotline](#)**

Central Los Angeles (213) 626-3393; South Los Angeles (310) 392-8381;
West San Gabriel Valley (626) 793-3385

- [The National Center for Victims of Crime](#) – Provides a fast and easy way to locate crime victim assistance throughout the country by clicking [here](#).
- [The National Domestic Violence Hotline](#) - A 24/7 center that has access to service providers and shelters across the U.S.
Hotline: 800-799-7233
- [California Department of Fair Employment and Housing](#) - The state agency that enforces the state workplace anti-discrimination laws. (800) 884-1684: Within California (916) 227-0551: Outside California

Request for Anonymity by a Complainant

Casa Loma College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. The College, through the Title IX Coordinator, will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited by the request.

The College will take all reasonable steps to investigate and respond to the report consistent with the request not to share identifying information or pursue an investigation. Where the College is unable to act consistent with the request for confidentiality/anonymity, the Title IX Coordinator will inform the complainant about the chosen course of action.

SUPPORTIVE AND INTERIM MEASURES

The College will work with individuals affected by sexual harassment to ensure their safety and promote their well-being. In addition to providing preliminary information regarding the Title IX process, Title IX Coordinator will discuss the availability of supportive measures with both parties. Supportive measures are designed to ensure that both parties maintain equal access to College employment and educational programs and activities, without unreasonably burdening the other party. The measures are designed to protect the safety of all parties and the College environment, including the deterrence of violations of this Policy. For example, supportive measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, no contact directives, campus escort services, mutual restrictions on contact between the parties, leaves of absence or administrative leave, increased security, and monitoring of certain areas of the campus, and other similar measures.

In determining whether supportive measures are appropriate, Title IX Coordinator will consider the Complainant's wishes, as well as the burden to the parties. Where supportive measures are deemed appropriate, they will be non-disciplinary, non-punitive, and provided without fee or charge to the parties. Supportive measures may be provided to either party at any phase in the process, regardless of whether a formal complaint has been filed. Supportive measures will be kept confidential to the extent possible.

The College may also impose interim measures, based on the totality of facts known at the time, to ensure the safety of all parties involved, to prevent the escalation of conflict, and to protect the integrity of the disciplinary process while the process is ongoing. If, after taking an individualized safety and risk analysis, the College determines there is an immediate threat to the physical health or safety of any individual arising from the sexual harassment allegations, the College may consider removing a Respondent from educational programs or activities on an emergency basis. Where removal is deemed appropriate, the Respondent will receive prompt notice and have an opportunity to challenge the decision by appealing to the Title IX Coordinator. The appeal must be in writing and may be no longer than five double-spaced, 8 typewritten pages. The appeal must be delivered to Title IX Coordinator within three (3) business days of notice of the removal decision (via email, mail, or hand delivery). Failure to meet the deadline for appeal will result in waiver of the right to appeal.

The imposition of supportive and interim measures does not indicate that the College has made a final decision about the report of prohibited conduct. The College will provide notice about these supportive and interim measures only to those who need to know in order to make them effective.

Failure to comply with supportive and/or interim measures or other directives is a violation of College Policy and may lead to additional disciplinary action.

THE TITLE IX GRIEVANCE PROCESS

Informal Resolution

Parties who do not wish to proceed with an investigation and live hearing, and instead seek the College's assistance to resolve allegations of Title IX-covered misconduct, may elect to enter the informal resolution process. In addition, a complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. This informed written consent will include a statement that any agreement reached through the process is binding on the Parties.

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator must approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the respondent is a repeat offender, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Please note, the informal resolution processes may never be applied where the allegations include {Sexual Assault: Penetration or the equivalent}.

Informal resolution is only permitted to address allegations of student-on-student sexual harassment and is never allowed as an option to resolve allegations that an employee sexually harassed a student.

At any time after the commencement of the informal resolution process, the Title IX Coordinator may determine that the informal resolution process is not an appropriate method for resolving the matter and may require that the matter be resolved through the formal process. This determination is not subject to appeal.

Informal resolution processes are managed by facilitators, who may not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific Parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions.

All facilitators must have training in the definition of sexual harassment under 34 C.F.R. § 106.30(a), the scope of the institution's education program or activity, how to conduct informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

Confidentiality

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Formal Complaint is confidential while the parties are participating in the informal resolution process. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the Parties withdraw from the informal resolution process, information disclosed or obtained for purposes of the informal resolution process may be incorporated into the formal investigation and live hearing, provided that this information is disclosed and reviewed by the Parties under the investigatory and hearing procedures described in the Title IX Grievance Process.

Administrative Resolution

Should the Parties mutually determine to enter the informal resolution process, and the respondent elects to accept responsibility for the allegations of the Formal Complaint at any point during the informal resolution process, the institution may administratively resolve the Formal Complaint.

Where the respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and {a Hearing Officer(s)} will convene to determine the respondent's sanction and other remedies, as appropriate and consistent with institutional policy. The Parties will be given an opportunity to be heard at the sanctions hearing, including but not limited to the submission of impact statements, and the Parties may be accompanied by their Advisor, but questioning of Parties or witnesses will not be permitted. The Parties will receive simultaneous written notification of the decision regarding sanctions and remedies, which may be appealed according to the process described in the Title IX Grievance Policy.

Formal Complaint

In order to initiate a formal complaint, the Complainant must submit a written document, physical or digital, alleging sexual harassment against a Respondent and requesting the College to investigate the allegations. The formal complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the formal complaint, and the document should be submitted to the Title IX Coordinator.

The complaint must include the following information:

- the identity and status of the Complainant and Respondent(s);
- details concerning the incident(s) or conduct that gave rise to the complaint;
- date(s) of the incident;
- location(s) of the incident(s);
- the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known.

In certain instances, if a complainant does not wish to make a Formal Complaint, the TC Title IX Coordinator may determine a Formal Complaint is necessary and will file such a formal complaint and inform the Complainant. In such instances, the Title IX Coordinator is not a party to the matter, and, if known, the identities of the parties will be made known in any subsequent notice of allegations to the Respondent.

Nothing in the Title IX Grievance Policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Notice of Allegations

Upon receipt of a formal complaint, the College must provide written notice to the parties, who are known, which includes sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known (including the Complainant), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. A party may not proceed anonymously in connection with a formal investigation.

The notice must include reasonably prompt time frames for the investigation and a process that allows for any temporary delay of the investigation or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. The notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding a violation of the Policy is made at the conclusion of the grievance process. The notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be an attorney. The notice must include a statement that before the conclusion of the investigation, the parties may inspect and review evidence that is directly related to the allegations, including evidence upon which the College does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations whether obtained from a party or other source. The notice must inform the parties of any provision in the College's Student Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the investigation. If, in the course of the investigation, the Title IX Coordinator decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, the Title IX Coordinator must provide notice of the additional allegations to the parties whose identities are known.

The Title IX Coordinator must also provide written notice to any parties whose participation is invited or expected (i.e. witnesses) of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.

Ongoing Notice

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means. The parties will be

provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

Initial Assessment of Formal Complaint

The Title IX Coordinator **must dismiss** a formal complaint under the following circumstances:

- the alleged matter does not meet the Title IX definition of sexual harassment as described above;
- the alleged matter does not arise from a College education program or activity;
- the alleged matter is not raised against a person in the United States;
- the alleged matter occurred before August 14, 2020.

The Title IX Coordinator **may dismiss** a formal complaint under the following circumstances:

- the Complainant submits a written request to withdraw the complaint;
- the Respondent is no longer at the College

If a complaint is dismissed, it may qualify for review under a separate, applicable College policy. Parties will simultaneously be provided with a written notice containing the reason(s) for dismissal and that dismissals may be appealed.

Appealing Dismissal of Formal Complaint

Appeals pertaining to the dismissal of a formal complaint must be submitted to the Title IX Coordinator within three (3) business days from receipt of the dismissal. The appeal must meet one or more of the following criteria:

- **Procedural Irregularity:** An appeal based on procedural irregularity must identify with specificity each alleged irregularity within the consideration of the complaint and the ways in which the specified irregularity(s) affected the decision to dismiss the complaint; or
- **New Evidence:** An appeal based on new evidence must explain why this information was not reasonably available at the time the decision to dismiss the formal complaint was made and how this information could affect the decision to dismiss the complaint. Information not provided because a party declined to participate or withdrew from the process cannot be considered new information for the purpose of appeal. This includes situations where a party declines to participate on the advice of their advisor; and/or
- **Conflict of Interest/Bias:** An appeal based on conflict of interest or bias must explain how the Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent that affected the decision to dismiss the complaint.

Upon receipt of an appeal from one of the parties, the Title IX Coordinator will inform the other party and provide a copy of the appeal. The non-appealing party will have three (3) business days from receipt of the appeal to respond should the party wish to do so. If both the Complainant and the Respondent appeal, the

appeals will be considered concurrently and each party will have the opportunity to review and respond to the other party's appeal.

The Title IX Coordinator will review the appeal and non-appealing party's response (if provided). Within three (3) business days (of the non-appealing party's response or the appeal if no response is provided), the Title IX Coordinator will communicate, in writing, the determination regarding the appeal simultaneously to both parties. The Title IX Coordinator may take the following actions:

- Uphold the decision to dismiss the complaint. In such cases, the complaint may be considered for investigation under a separate, applicable TC policy; or
- Reverse the decision to dismiss the complaint. If the Title IX Coordinator reverses the decision to dismiss, the complaint will be investigated as outlined in the Formal Investigation Process section in this Policy.

The determination of the Title IX Coordinator is final. Failure to meet the deadline for appeal will result in waiver of the right to appeal.

Determining Jurisdiction

The Title IX Coordinator will determine if the Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct is alleged to have occurred on or after August 14, 2020;
- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred in Casa Loma College's education program or activity; and
- The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Casa Loma College will investigate the allegations according to the Title IX Grievance Process.

If any one of these elements are not met, the Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by Casa Loma College; or,
- If specific circumstances prevent Casa Loma College from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their email accounts. It is the responsibility of parties to maintain and regularly check their email accounts. Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

Advisor of Choice and Participation of Advisor of Choice

Complainants and Respondents may be accompanied by an advisor of their choice (which may be an attorney but does not need to be so) to any meeting or proceeding related to any incident of sexual harassment. Advisors may provide support and advice about the investigation, hearing and disciplinary processes.

Complainants and Respondents may choose not to have an advisor during the investigative process. However, Complainants and Respondents must have an advisor during the live hearing process so that the advisor can pose questions to the opposing party and witnesses.

INVESTIGATION

General Rules of Investigations

In consideration of the traumatic nature of incidents of sexual/physical aggressive/violent behavior, the Title IX Coordinator will conduct a timely review of complaints of sexual misconduct, sex discrimination, domestic violence, dating violence, and/or stalking. Absent extenuating circumstances, review and resolution is expected to take place within a reasonable timeframe.

Casa Loma College and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the College and does not indicate responsibility.

Investigative Team

The Title IX Coordinator is the College’s designated officer for conducting or overseeing investigations of alleged violations of this Policy. The Title IX Coordinator will designate a team of investigators (the “Investigative Team”), who will tailor an investigation based on the facts, nature, and complexity of the allegations and surrounding circumstances. All investigators will have extensive training in investigating and evaluating conduct prohibited under the Policy.

In the event that a complaint concerns the conduct of the Title IX Coordinator or Hearing Officer (or the Title IX Coordinator or Hearing Officer has a conflict of interest), the President shall designate an individual to be responsible for implementing the responsibilities of the Title IX Coordinator or Hearing Officer pursuant to these Title IX Procedures.

The Investigative Team will be impartial and unbiased. The Title IX Coordinator may, in their sole discretion, assign the investigation to appropriate non-Title IX investigator(s) or outside investigator(s). Should a party

perceive a potential conflict of interest or bias related to the member(s) of the Investigative Team, the party is expected to promptly raise such conflict in writing to the TC Title IX Coordinator as soon as practicable to allow for appropriate redress.

Fact Gathering

The Investigative Team will gather relevant information from all sources determined necessary for fair resolution of a formal complaint, including interviewing the Complainant, the Respondent, and any other persons with relevant information about the alleged incident(s). The Investigative Team may also review personnel records, documents, and other materials that could prove relevant to the investigation.

The Investigative Team will speak to each party in detail about the allegation(s) and ask each party to identify potential witnesses and/or other evidence to be considered. The parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence through the course of the investigative process. However, the parties must articulate a reasonable basis to the Investigative Team regarding why their proposed witnesses and/or other suggested evidence are relevant (i.e. will demonstrate that facts material to the allegations under investigation are more or less likely to be true) before the Investigative Team will consider such proposals. Only relevant information will be considered by the Investigative Team, and the Investigative Team retains sole discretion in determining whether the proffered witnesses and/or other evidence are relevant to the allegation(s). The Investigative Team will objectively evaluate all relevant evidence gathered through the course of the investigation.

The parties are expected to submit such evidence and respond to the Investigative Team's evidentiary requests in a timely fashion. Any documents submitted to the Investigative Team for consideration may be referenced in the Investigative Report and as discussed below, will be shared with both parties and the parties' advisors, if applicable. The Investigative Team will work with parties and witnesses to receive evidence from the parties and witnesses. The Investigative Team may wish to question a party regarding certain evidence gathered; in that circumstance, the Investigative Team may share certain evidence with a party in advance of a scheduled meeting to provide a fair opportunity to respond to questions presented during the meeting.

The Investigative Team will inform the parties in writing when the fact-gathering stage of the investigation has concluded. No additional witnesses will be interviewed, and no additional evidence may be submitted to the Investigative Team at that time. Both parties will have equal opportunity to inspect and review all evidence (evidence that tends to prove or disprove the allegations) that was gathered from any source that is directly related to the allegations. Prior to the completion of the investigative report, the Investigative Team will provide each party and the party's advisor, if applicable, the evidence subject to this review in an electronic format. The parties will have ten (10) business days to submit to the Investigative Team a written response to this evidence. Any written response will be considered by the Investigative Team prior to completion of the investigative report.

The Complainant, the Respondent, advisors, and all witnesses may not record any meeting conducted as part of the investigative process, nor copy, photograph, nor improperly disseminate any documents or evidence to which they are afforded access as part of the investigative process.

Evidentiary Rules

In conducting the investigation and drafting the investigative report, the Investigative Team will follow the protocols set forth below:

Preserving Evidence. The Investigative Team will direct the Complainant, Respondent, witnesses, and other interested individuals to preserve any relevant evidence, which may include phone logs, text messages, electronic communications or other evidence relating to the complaint.

Character Witnesses. The Investigative Team will not interview witnesses whose sole purpose is to provide character information.

Romantic or Sexual History in Sexual Assault Cases. The Investigative Team will not consider information concerning the romantic or sexual history of either the Complainant or the Respondent, except from either the Complainant or Respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.

[Without exception, all questions and evidence regarding the Complainant's sexual predisposition are deemed irrelevant and prohibited from consideration. Questions and evidence regarding the Complainant's prior sexual behavior are also irrelevant and prohibited, subject to two, limited exceptions: (1) where evidence of prior sexual behavior is offered to prove someone other than the Respondent committed the alleged offense, or (2) where prior sexual behavior evidence is specifically about the parties' shared sexual history and is offered to prove consent.]

Prior Conduct Violations. The Investigative Team may consider the Respondent's prior conduct violations, where the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the Respondent.

Medical Information. Any party's medical, psychological, or similar records cannot be accessed, considered, disclosed, or otherwise used as part of this investigative process without the party's voluntary, written consent. Each party has the right to request that evidence regarding his or her mental health diagnosis and/or treatment be excluded from consideration on the basis that it is not relevant to the allegations.

Legally Recognized Privilege. Any information protected by a legally recognized privilege (e.g. attorney-client) is deemed irrelevant and precluded from consideration throughout the investigative process, unless properly waived by the party maintaining such privilege.

Information from Expert Witnesses. A party may request that information be considered from an expert witness. When such information is deemed relevant to the allegations, the Investigative Team will retain the appropriate expert. Subject to other limitations identified in this Policy, the Investigative Team may include in the investigative record medical, forensic, technological, or other expert testimony and materials (such as writings and recordings) that the Investigative Team deems relevant and reliable. The Investigative Team has the discretion to determine the relevance and reliability of any expert testimony and materials, and, accordingly, the Investigative Team will determine what, if any, expert testimony, and materials will be received into the investigative file. The results of polygraph tests and other "lie-detection" techniques will not be considered by the Investigative Team.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation.

The parties will have ten (10) business days to inspect and review the evidence and submit a short, written, response by email which the Investigative Team will consider prior to completion of the Investigative Report.

After receipt of the parties' responses, the Investigative Team will then create an Investigative Report that fairly summarizes relevant evidence. The Investigative Report is not intended to catalog all evidence obtained by the Team, but only to provide a fair summary of that evidence.

Only relevant evidence – i.e. tending to prove and disprove the allegations) will be referenced in the Investigative Report. The Investigative Team may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

The parties and their advisors agree not to photograph or otherwise copy the evidence.

LIVE HEARING

Casa Loma College will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing, unless otherwise resolved through an informal resolution process.

At least 10 days after the Investigation Report is provided, the Hearing Officer shall convene a live Hearing. The Hearing Officer will provide to the Parties and any witnesses whose participation is invited or expected written notice of the date, time, and manner of the Hearing. All Parties, witnesses and other participants will appear at the live Hearing either in-person or virtually, with technology enabling the Hearing Officer and participants to simultaneously see and hear the Party and witnesses answering questions. The College will create an audio or audiovisual recording or a transcript of the Hearing and make it available to Parties for inspection and review upon request. Participants to the live hearing may not record the hearing. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the Hearing Officer in advance.

At the hearing, each Party's Advisor will conduct cross-examination of the other Party and any adverse witnesses. Such cross-examination must be conducted directly, orally, and in real time by the Party's Advisor and never by a Party personally.

Before a Party or witness answers a cross-examination question, the Hearing Officer must determine whether the question is relevant and, if the Hearing Officer refuses to allow a particular question, the Hearing Officer must explain their decision to the Parties and document the reasons for refusal on the record.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a Party or witness does not submit to cross-examination at the Hearing, the Hearing Officer must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. The Hearing Officer 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.

The Hearing Officer

The Hearing Officer can consist of one individual or a three-member panel. The Hearing Officer(s) is tasked with evaluating and analyzing all relevant information in the Investigative Report, as well as any relevant additional submissions and information presented by the parties in the hearing process. The Hearing Officer(s) determines whether a violation of Policy occurred based on the preponderance of evidence standard.

The Hearing Officer(s) will receive regular training on the definition of sexual harassment under Title IX, the scope of the College's education program or activity, how to conduct hearings, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The Hearing Officer(s) will also receive training on the technology used at the hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not permitted.

Review of Transcript/Recording

The transcript of the hearing will be available for review by the parties within ten (10) business days unless there are any extenuating circumstances. The transcript of the hearing will not be provided to parties or advisors of choice.

DETERMINATION, SANCTIONS AND REMEDIES

Within 14 days following the Hearing, the Hearing Officer(s) shall make a written determination whether a violation of the Title IX Sexual Harassment and Misconduct Policy has occurred and shall simultaneously send the Complainant and the Respondent the written determination and final outcome of the matter, including sanctions, if any, by certified or express mail, electronic mail, or hand delivery. That written determination shall include:

- An identification of the section(s) of the Title IX Sexual Harassment and Misconduct Policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and Hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Title IX Sexual Harassment and Misconduct Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- Any sanctions the College imposes on the Respondent;

- Any remedies provided to the Complainant designed to restore or preserve access to the College's education program or activity;
- A determination of whether the Formal Complaint was knowingly false or malicious; and
- The College's procedures and permissible bases for Parties to appeal.

The determination regarding responsibility becomes final either on the date that the Hearing Officer(s) provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The President is responsible for imposing the sanction.

Sanctions will be decided on a case-by-case basis, must be reasonable and proportionate to the seriousness of the violation, and will be in accordance with College policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, denial of a merit pay increase, demotion, probation, or termination. Sanctions for students include, without limitation, verbal or written warnings, restrictions, probation, suspension, degree deferral or termination, as well as restrictions on student employment and/or access to College property.

Except as provided herein, sanctions imposed pursuant to these Title IX Procedures may not be appealed or made the subject of a grievance under any other College policy.

Remedial measures for students, faculty and staff w extracurricular activities; tutoring or other academic support; arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the Parties. The Title IX Coordinator is responsible for the effective implementation of any remedies.

In the event the charge of Title IX Harassment is not substantiated following the written determination of the Hearing Officer(s), reasonable efforts may be taken to restore the Respondent(s) to their prior status.

RETALIATION PROHIBITED

Retaliation against any person for reporting or complaining of discrimination and/or harassment, assisting or participating in the investigation of a complaint of discrimination and/or harassment, refusing to participate in any manner in an investigation, proceeding or Hearing under these Title IX Procedures or enforcing College Policies with respect to discrimination and/or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group for exercising rights or performing duties under these Title IX Procedures will be subject to appropriate and prompt disciplinary or remedial action.

APPEAL

The Complainant and the Respondent each have the right to appeal any mandatory or discretionary dismissal as well as the decision of the Hearing Officer(s) and imposition of any sanction to the President. The appeal must be in writing with all supporting materials attached and filed in person, or via postal or electronic mail within ten days of the issuance of notification of the decision. Decisions not appealed within such time are deemed final. The President will notify the other Party in writing when an appeal is filed and furnish a copy of the appeal. Each Party may provide a response to the appeal. The response to the appeal must be in writing with all supporting materials attached and received in person, or via postal or electronic mail within ten days of the issuance of notification of the appeal.

The grounds for appeals are limited to the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The appeal shall consist of a concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Appeals are not intended to open a new investigation of the complaint. In most cases, appeals are confined to a review of the written documentation and pertinent documentation regarding the grounds for appeal. The appeal will be conducted in an impartial manner.

The President will issue a decision on the appeal to all Parties involved. Normally this decision will be made within 30 days from the date the appeal was received. The President may (1) uphold or reverse the finding, (2) decrease or increase the sanction(s), and/or (3) take other action as deemed appropriate by the President. The written decision of the President on the appeal shall constitute the College's final action.

HOW THE NEW REGULATIONS AFFECT CASA LOMA COLLEGE

Recent Changes to Title IX

Casa Loma College is required to comply with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, as amended, which prohibits discrimination on the basis of sex in educational programs and activities.

On May 2020, the U.S. Department of Education issued new regulations for colleges and universities that address sexual harassment. Specifically, the U.S. Department of Education new set of regulations under Title IX:

- Define the meaning of “sexual harassment” (including forms of sex-based violence) and limits Title IX’s coverage to incidents involving misconduct that is “severe, pervasive and objectively offensive,”
- Address how institutions of higher education that receive federal funding (including Teachers College) must respond to reports of behaviors falling within that definition of sexual harassment, and
- Set out a detailed grievance process that institutions of higher education (including Teachers College) must follow when investigating, adjudicating and imposing sanctions in cases involving sexual harassment under that definition.

To comply with these regulations, the College has adopted this Title IX Policy and Procedures to address the types of misconduct alleged against students and employees. These new regulations do not cover all of the types of prohibited conduct or places in which sexual misconduct occurs that Casa Loma College believes must be addressed in keeping with our own commitment to non-discrimination and our obligations under state and local law. Casa Loma College also maintains the policies on Non-Discrimination for other types of discrimination, harassment, and gender-based misconduct by students that are not covered by the new regulations. Both policies are important to creating and supporting a College community that rejects all forms of discrimination, harassment, and gender-based misconduct.

Below are the areas that were impacted by the new Title IX Rules:

DEFINITION OF SEXUAL HARRASSMENT

<i>Previous Practice</i>	vs.	<i>New Title IX Rule</i>
<p>Former definition of Sexual Harassment:</p> <p><i>"Conduct of a sexual nature or based on gender or sexuality that is severe or pervasive enough to create a Hostile Environment, as defined by a reasonable person under similar circumstances. This may include unwanted, unwelcome, or inappropriate sexual or gender-based activities, or comments."</i></p>		<p>Sexual Harassment as defined by the new Title IX Rule:</p> <p><i>Conduct on the basis of sex that satisfies one or more of the following:</i></p> <ol style="list-style-type: none"> <i>1) An employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual contact (commonly referred to as “quid pro quo”)</i> <i>2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal</i>

access to an institution's education program; or
 3) Sexual Assault, Dating & Domestic Violence, and Stalking as defined by the Clery Act and Violence Against Women Act.

What Does This Mean For Casa Loma College?

Casa Loma College was required to adopt the new definition of Sexual Harassment to comply with federal law.

However, in addition to adopting the new federal definition within College Policy, Casa Loma College will continue to prohibit behavior that would constitute Sexual Harassment under the original definition to comply with California state law.

Further, Casa Loma College will also continue to address behavior that does not meet the narrowed definition of Sexual Harassment under Title IX through the College's Sexual Harassment and Misconduct Policy

TITLE IX JURISDICTION

<i>Previous Practice</i>	<i>vs.</i>	<i>New Title IX Rule</i>
<p>Previous Title IX guidance focused on WHO was impacted by the alleged misconduct, <u>rather than WHERE it occurred</u>. This meant that regardless of whether the incident happened on-campus, or elsewhere, they were afforded all of the same rights/options under Title IX if the Complainant was associated with Casa Loma College.</p>	<p>vs.</p>	<p>Title IX jurisdiction only applies to incidents that meet all three criteria:</p> <ol style="list-style-type: none"> 1. Rise to the definition of Sexual Harassment 2. Occur within an institution's Education Program or Activity 3. Occur within the United States. <p>Education Program or Activity - includes all of the College's operations, including:</p> <ul style="list-style-type: none"> • Locations, events, or circumstances over which the College exercises substantial control over both (1) the Respondent and (2) the context in which the conduct occurs; and • Any building owned or controlled by a student organization that is officially recognized by the College.

What Does This Mean For Casa Loma College?

Casa Loma College is required to view & apply the jurisdiction of Title IX as intended by the Title IX Final Rule.

BUT – Casa Loma College will still continue to address the behavior that occurs within AND outside the jurisdiction of Title IX (including off-campus) that would still constitute Prohibited Conduct under the comprehensive, new Sexual Harassment, Misconduct, & Discrimination Policy.

Therefore, regardless of where the incident occurred, members of the Casa Loma College community will still be afforded various rights, resources, and options.

RESPONSIBLE EMPLOYEES

<i>Previous Practice</i>	vs.	<i>New Title IX Rule</i>
<p>In accordance with the Office for Civil Rights (OCR), a responsible employee included any employee who (1) has the authority to take action to redress sexual violence; (2) has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator; or (3) a student could reasonably believe has this authority or duty. Once a Responsible Employee received a disclosure, the College was considered to be “on notice” and had an obligation to respond.</p>	<p>vs.</p>	<p>Responsible Employees are no longer mandated by OCR. However, Colleges can choose to still implement their Responsible Employee practices should they wish.</p> <p>BUT – Technically the College only has “Actual Knowledge” of an incident once an Official with Authority receives an allegation of Prohibited Conduct.</p>

What Does This Mean For Casa Loma College?

Although not required by law, Casa Loma College will maintain their current Responsible Employee practices. Responsible Employees are employees at Casa Loma College who have a duty to report to the Title IX Coordinator any disclosures they receive regarding incidents of Prohibited Conduct including but not limited to, sexual assault, dating/domestic violence, and sexual harassment/discrimination. Even though Responsible Employees are non-confidential resources, these individuals can still be discreet and helpful in navigating resources & reporting options. Remember - even if a report is made on your behalf, you are not required to move forward with any type of resolution process and can simply receive supportive measures if you'd like.

Some examples of Responsible Employees include but is not limited to: Academic Program Directors, Student Ombudsman, Literacy Manager, Bursar, Career Services Advisors, Faculty, and Admissions Advisors.

Officials With Authority: is a new term that refers to officials at the College who have the authority to institute corrective measures. - Corrective measures may include: academic modifications, no contact directives, sanctions, & more.

- Officials With Authority include the President and Title IX Coordinator.

When an Official with Authority receives an allegation of Prohibited Conduct, the College has the obligation to respond in a way that balances the wishes/needs of the Complainant & the safety of the campus community.

NOTE - Disclosing to a Responsible Employee does not mean that the College has "Actual Knowledge" of the alleged behavior. The College can only implement supportive measures and seek to address the behavior if it

has "Actual Knowledge" of the alleged Prohibited Conduct - which requires an Official with Authority to be notified (either by the Complainant, Third Party, or a Responsible Employee with the obligation to report harassment).

Title IX Coordinator	President
<p>Veronica Pantoja, B.A. Director of Human Resources Title IX Coordinator Disability Student Services Coordinator 1st Floor, Room 101 818.78.2726 Ext. 223 veronica.pantoja@casalomacollege.edu</p>	<p>Dr. Scott Sand President Campus Director 1st Floor, Room 100 818.785.2726 Ext. 214 scott.sand@casalomacollege.edu</p>

USE OF AN ADVISOR

<i>Previous Practice</i>	<i>vs.</i> <i>New Title IX Rule</i>
<p>Students were encouraged to use an Advisor for any meetings or proceedings with the Title IX Coordinator, but they were not required to have one.</p> <p>The Advisor served a limited role in that they could offer support/guidance to the party but couldn't participate directly in any proceedings or represent any party involved.</p>	<p>Should the Formal Grievance Process be used, and the case moves to a live formal hearing, each party is required to have an Advisor present at the hearing to conduct cross-examination on their behalf.</p>

What Does This Mean For Casa Loma College?

Each party is still encouraged to have an Advisor present when meeting with the Title IX Coordinator, but Casa Loma College will only mandate the presence of an Advisor for the purposes of the live hearing to comply with federal law.

About Advisors:

- An Advisor is someone who can help you navigate the reporting and/or resolution process.
- An Advisor may be a friend, family member, lawyer or other individual of the student's choosing. A party may also utilize one of the College's faculty or staff who have received specific training on the College Policies, processes, and student rights.

Specifically, an Advisor can help...

- prepare for and accompany the party to any meetings/proceedings

- clarify potential areas of confusion (especially if they are familiar with the College reporting/resolution procedures)
- provide objectivity and other forms of emotional or tangible support
- be a sounding board without fear of judgment
- assist in an appeals process

FORMAL INVESTIGATION PROCESS

<i>Previous Practice</i>	<i>vs.</i>	<i>New Title IX Rule</i>
Evidence was only shared directly with the Complainant & Respondent.		Parties & their respective Advisors will receive access to the evidence collected unless explicitly stated otherwise by the party.
Parties had the choice to review the evidence or investigative report in person or electronically & typically had ~ 5 days to submit a response.		Parties review the evidence/report electronically and are offered two separate 10-day periods to review and respond to the evidence/investigative report.
Information that was not related to the allegations (e.g. prior disciplinary history/conduct, separate allegations involving the Respondent, perceived character of involved parties) was often redacted by Investigators since that information had no bearing on determining responsibility.		Information that isn't relevant, but still directly related to the allegations must be available for inspection & review in the "directly related evidence" document

What Does This Mean For Casa Loma College?

Casa Loma College was required to slightly modify the investigative protocols for the Formal Grievance Process as stated above. See below for an **Overview Of The Investigative Process:**

Step 1: Formal Complaint	Formal Complaint signed by the Complainant or the Title IX Coordinator
Step 2: Notice of Allegations	Notice sent to both Complainant and Respondent with sufficient time and detail for parties to prepare for an initial interview and adequately respond.
Step 3: Investigation	Thorough search for relevant facts/evidence. Involves interviewing both parties to gather relevant information/documentation regarding the allegations and identify relevant witnesses. Anyone interviewed has the chance to review/request edits to their documented statement to ensure its accuracy and completeness.
Step 4: Compilation of Preliminary Report	Investigator(s) compile a preliminary report which includes, as applicable, statements from both parties, witnesses and summary of any other information/documentation obtained. Any evidence shared that is directly

	related to the allegations, but not relevant, is included in a separate document.
Step 5: Evidence Review & Response	Parties and their Advisor receive access to the preliminary report and all evidence directly related to the allegations obtained during an investigation and have 10-days to inspect the information and submit a written response.
Step 6: Finalize Investigative Report	Investigators will shift evidence between the investigative report and directly related evidence based on party feedback as appropriate, pursue any other investigative steps and issue a final investigative report, which fairly summarizes all relevant information received throughout the investigation.
Step 7: Evidence Review and Response	Parties and their Advisor receive access to the final report and all evidence directly related to the allegations obtained during the investigation and have 10 days to inspect the information and submit a written response.
Step 8: Finalizing and Sharing of Report	Investigators will consider the parties' response and will revise the investigation report and/or directly related evidence document as needed. The final investigation report and the directly related evidence document is then shared with both parties, their Advisors, and Hearing Administrator (if applicable).

FORMAL ADMINISTRATIVE HEARING

<i>Previous Practice</i>	<i>vs.</i>	<i>New Title IX Rule</i>
Parties were able to have an Advisor present for the hearing if they wished.		Parties are required to have an Advisor present for the live-hearing, or the College will provide the party with one.
Advisors could not speak on behalf of a party.		Advisors will speak on behalf of a party only for the purposes of conducting cross-examination.
All questions asked by a Complainant or Respondent were funneled through the Hearing Administrator, rather than to one another or to any witness directly.		Cross-examination, which involves the questioning of parties & witnesses, must be done by each party's Advisor and conducted directly, orally, and in real-time.
In the event that an individual could not or chose not to participate at the formal hearing, any information they initially provided during the investigation could be used by the Hearing Administrator when making a determination of responsibility.		Information not tested by cross-examination cannot be considered by the Hearing Administrator when related to Title IX allegations.

What Does This Mean For Casa Loma College?

Casa Loma College was required to adopt these practices to comply with Federal law.

APPEALS

<i>Previous Practice</i>	<i>vs.</i>	<i>New Title IX Rule</i>
<p>Both students could appeal:</p> <ul style="list-style-type: none"> • If no formal charges were placed by Title IX Coordinator. • The decision and/or any sanctions issued following a formal hearing, regardless of whether the Respondent was found in violation of the Policy or not. 	<p><i>vs.</i></p>	<p>Both parties must be offered the opportunity to appeal:</p> <ul style="list-style-type: none"> • The dismissal of a Formal Complaint • The outcome rendered from a formal hearing <p>Required grounds for appeal:</p> <ul style="list-style-type: none"> • Procedural irregularity that affected the outcome. • New evidence that was not reasonably available at the time the determination or dismissal was made that could affect the outcome of the matter; and • The Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against either party generally, or the individual complainant or respondent that affected the outcome of the matter.

RESOLUTION TIMEFRAMES

<i>Previous Practice</i>	<i>vs.</i>	<i>New Title IX Rule</i>
<p>As directed by federal guidance, the College attempted to resolve every report (where the student was the Respondent) within 30 calendar days of the report being made. (excluding any relevant appeal period), with the ability to extend this time frame for good cause (e.g. final exams, breaks in the academic calendar, availability of parties, etc.).</p>	<p><i>vs.</i></p>	<p>In the Title IX Final Rule, the federal government declined to define a specific timeframe to which institutions must complete grievance processes. Rather, they left it up to the discretion of schools to determine what would be a reasonably prompt time frame, while taking into account appeals, informal resolution processes, etc.</p>

What Does This Mean For Casa Loma College?

Casa Loma College will continue to resolve Formal Complaints in as prompt a timeframe as possible and extend the timeline only in instances of good cause.

REFERENCES/RESOURCES:

U.S. Department of Education, Title IX

POLICY CLASSIFICATION

No.	Policy
1.00	Governance
2.00	General College

3.00	College Environment
4.00	Admissions
5.00	Academics
6.00	Student
7.00	Campus Security
8.00	Information Technology
9.00	Student Accounts
10.00	Financial Aid
11.00	Personnel/Human
12.00	Operations