



# **Title IX Non- Discrimination Policy & Grievance Procedure**

NETTTS

Bridgeport Campus

510 Barnum Road 4<sup>th</sup> Floor

Bridgeport, CT

Effective Date August 2024

**TABLE OF CONTENTS**

- I. Introduction .....7
- II. Overview of Title IX Policy and Grievance Procedure: General Provisions...7
  - A. Responsibilities of the Title IX Coordinator.....7
  - B. OCR Contact Information .....8
  - C. How to Make a Report or Complaint of an Alleged Title IX Violation....8
  - D. After Making a Report or Complaint.....9
  - E. Preservation of Evidence ..... 10
  - F. Notice of Allegations ..... 11
  - G. Emergency Removal of Student Respondent ..... 11
  - H. Administrative Leave of Employee Respondent ..... 12
  - I. Complainant’s Decision to Pursue a Complaint ..... 12
  - J. Complaint Dismissal ..... 13
  - K. Consolidated Complaints .....13
  - L. Time Limits on Reporting.....13
  - M. Applicability of Policy .....14
  - N. Anonymous Report or Complaint.....14
  - O. Confidentiality .....14
  - P. Supportive Measures.....15
  - Q. Amnesty Policy .....15
  - R. Right to an Advisor.....16
  - S. Conflict-of-Interest & Bias .....16
  - T. Resolution Timeline.....16

U. Notifications to Parties.....	16
V. Clery Act Reporting.....	17
W. Retaliation.....	17
X. The School’s Mandatory Response Obligations.....	17
Y. Notice, Dissemination and Publication of Policy.....	18
Z. Training.....	18
AA. Record Retention.....	19
BB. Revision of this Policy.....	19
III. Scope of Policy.....	19
A. Sex Discrimination Defined.....	19
B. Sex-based Harassment Defined.....	20
C. Consent and Incapacitation.....	22
D. Jurisdiction of the School.....	23
E. Scope of the School’s Educational Program and Activities.....	23
IV. Grievance Procedure.....	24
A. Informal Resolution.....	24
Categories of Informal Resolution.....	25
B. Overview of Formal Grievance Process: General Provisions.....	26
Investigation.....	27
Investigation Timeline.....	27
Concurrent Law Enforcement Investigation or Criminal Proceedings.....	28
The Investigation Process.....	28
Role and Participation of Witnesses in the Investigation.....	28

Recording of Interviews.....	28
Evidentiary Considerations in the Investigation .....	28
Decisionmaker’s Review of the Evidence & Evidentiary Considerations During the Decision-making Phase .....	29
Questioning Parties and Witnesses.....	29
Only Relevant Evidence Allowed .....	29
When a Party/Witness Refuses to Submit to Questioning .....	29
Final Determination as to Responsibility and Standard of Proof .....	30
False Allegations and Evidence .....	31
C. Formal Hearing Process .....	31
Investigative Report .....	31
Live Hearing .....	31
D. Formal Administrative Process .....	32
E. Appeals, Disciplinary Actions, & Remedies .....	33
Appeal for Dismissal of a Complaint .....	33
Appeal of a Final Determination .....	33
Grounds for Appeal .....	33
Sanctions, Disciplinary Action, & Remedies .....	34
Remedies/Other Actions.....	35
Failure to Comply with Disciplinary Sanctions or other Remedies .....	35
V. Pregnancy and Related Conditions .....	36
Contacting the Title IX Coordinator .....	36
Reasonable Modifications .....	36

Lactation Space .....	37
Voluntary Leave of Absence .....	37
Supporting Documentation .....	37
VI. Appendix A: Definitions .....	38
VII. Appendix B: Rights of the Parties .....	40

## **QUICK REFERENCE GUIDE**

New England Tractor Trailer Training School  
Title IX Coordinator: Kellie White  
Office of the Registrar  
Address: 510 Barnum Road 4<sup>th</sup> Fl, Bridgeport, CT 06608  
Tel.: (203) 368-9069  
Email: [KWhite@Nettts.com](mailto:KWhite@Nettts.com)  
Web: [NETTTS.com](http://NETTTS.com)

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

New England Tractor Trailer Training School  
**Title IX Non-Discrimination Policy & Grievance Procedure**

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## **I. Introduction**

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in any education program or activity operated by a recipient (“School”) that receives federal financial assistance. As an educational institution subject to Title IX, New England Tractor Trailer Training School (“NETTTS”)<sup>1</sup> has adopted this Title IX Non-Discrimination Policy & Grievance Procedure (the “Policy”).<sup>2</sup> As set forth in detail herein, NETTTS:

- Does not discriminate on the basis of sex, including in admissions and employment, and is committed to providing an educational and workplace environment that is free from sex discrimination, sex-based harassment, and retaliation;
- Prohibits discrimination on the basis of sex in its educational programs and activities, including in admissions and employment, as required by law;
- Is committed to promoting fairness and equity in all aspects its operations; and
- Values and promotes the equal dignity of all community members and is committed to the pursuit of just resolutions with respect the rights of all Parties involved.

This Policy is adopted to prevent discrimination prohibited under Title IX and provide a prompt, fair, and impartial process to address complaints of alleged sex discrimination.

Inquiries about this Policy or the application of Title IX may be referred to NETTTS’s Title IX Coordinator. Inquiries about the application of Title IX to NETTTS may be referred to the U.S. Department of Education Office for Civil Rights.

## **II. Overview of Title IX Policy and Grievance Procedure: General Provisions**

### **A. Responsibilities of the Title IX Coordinator**

The Title IX Coordinator oversees implementation and enforcement of this Policy, which includes primary responsibility for coordinating the School’s efforts related to the intake, investigation, resolution, and implementation of supportive measures and Remedies to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

The Title IX Coordinator is also responsible for monitoring the School’s education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination and taking steps reasonably calculated to address such barriers. The School’s Title

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<sup>1</sup> New England Tractor Trailer Training School (NETTTS) may be referred to interchangeably as the “School” throughout this Policy.

<sup>2</sup> All capitalized terms not defined within this Policy are defined in Appendix A.

IX Coordinator and Corporate Title IX Coordinator are identified below and may be contacted with questions about this Policy, to file a report or complaint, or to otherwise assist individuals in ensuring equal access to the School’s educational programs or activities in compliance with Title IX.

Title IX Coordinator: Kellie White  
Office of the Registrar

Address: 510 Barnum Road, Bridgeport CT 06608  
Tel.: (203) 368-9069  
Email: KWhite@Nettts.com  
Web: NETTTS.com

Corporate Title IX Coordinator: Kelly Maikowski  
Corporate Compliance Director  
Address: 304 Victory Road, Quincy, MA 02171  
Tel.: (617) 986-9016  
Email: KMaikowski@Nettts.com

### **B. OCR Contact Information**

Individuals may also contact the U.S. Department of Education’s Office for Civil Rights with Title IX questions. *(Please note that inquiries to OCR alone are not sufficient to allow appropriate responsive action by the School. To ensure your concern is appropriately addressed under this Policy, please file a report with the School’s Title IX Coordinator).*

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

### **C. How to Make a Report or Complaint of an Alleged Title IX Violation**

Any person may report alleged sex discrimination, sex-based harassment, or retaliation to the Title IX Coordinator, irrespective of whether the reporting person is the alleged victim of such conduct. The Title IX Coordinator will take appropriate action to address a report, including contacting the alleged victim to determine if they would like to file a Complaint. A report is differentiated from a Complaint, which is an oral or written request to the School that objectively can be understood as a request for the School to investigate and make a determination about alleged discrimination under Title IX.

The following people have a right to make a Complaint requesting that the School investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
  - a student or employee of the School who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a student or employee of the School who is alleged to have been



subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the School's education program or activity;

- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The School's Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

A report or complaint may be made to the Title IX Coordinator in person, by mail, or by electronic mail at any time (including during non-business hours), using the contact information in Section II.A above or as described below:

Title IX Coordinator: Kellie White  
Office of the Registrar  
Address: 510 Barnum Road, Bridgeport, CT 06608  
Tel.: (203) 368-9069  
Email: KWhite@NETTTS.com  
Web: NETTTS.com

Corporate Title IX Coordinator: Kelly Maikowski  
Corporate Compliance Director  
Address: 304 Victory Road, Quincy, MA 02171  
Tel.: (617) 986-9016  
Email: KMaikowski@Nettts.com

#### **D. After Making a Report or Complaint**

Upon receipt of an oral or written report or Complaint, the Title IX Coordinator shall undertake an initial assessment to determine appropriate next steps as required under this Policy, including making an initial threat assessment to ensure there is no immediate danger to Complainant or the campus community and, if there is, to take appropriate action, which may include emergency removal of Respondent as described below.

The Coordinator shall contact Complainant to discuss the availability of appropriate supportive measures that may be implemented with input from the Complainant irrespective of, and in addition to, any resolution process including the Formal Grievance Process, and will notify Complainant about the right to have an advisor.

Upon receipt of a report or Complaint, the Title IX Coordinator will review the allegations and discuss options with the Complainant, including the option of proceeding with a Complaint and the availability of informal resolution, as applicable. If the Complainant does not want to proceed with a Complaint, the Coordinator may initiate a Complaint, if the Coordinator determines that a Complaint is warranted.

If the Complainant wishes to proceed with a Complaint, or the Title IX Coordinator initiates a Complaint, the matter will proceed as described under the Grievance Procedure.

If the allegations include conduct that may be a crime, such as sexual assault, domestic violence, dating violence, or stalking, the Title IX Coordinator will notify the Complainant of the options to notify or decline to notify law enforcement authorities. The Title IX Coordinator will offer assistance in notifying law enforcement but will not pressure the Complainant to make such notification. The Title IX Coordinator will also notify the Complainant about the possibility of obtaining orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal or civil.

After notifying the Respondent of the Complainant’s allegations, the Parties will be notified of the availability and requirements of informal resolution, as described below. All Parties must voluntarily consent in writing to any informal resolution process. The Parties may withdraw such consent at any time and resume the Formal Grievance Process.

At all stages of the process, irrespective of any resolution or grievance process which may be implemented, responsive and reasonable supportive measures will be implemented to ensure continued access to the School’s educational program or activities.

#### **E. Preservation of Evidence**

For certain types of Sex-Based Harassment, the preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. Complainants should take the following steps, if applicable:

##### **Sexual Assault**

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)
- Seeking medical treatment can be essential, even if it is not for the purpose of collecting forensic evidence.

##### **Stalking/Dating Violence/Domestic Violence/Other Sex-Based Harassment**

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and Title IX Coordinator, the importance of

taking these actions will be discussed, if timely.

#### **F. Notice of Allegations**

The Title IX Coordinator will provide written notice of the allegations to the Respondent and Complainant upon receipt of a Complaint. The notice will be provided prior to any initial meeting or interview with the Respondent and their advisor, if applicable, allowing sufficient advanced notice to prepare.<sup>3</sup>

The notice will include:

- A copy of this Policy describing the Grievance Procedures, including the Informal Resolution Process and the Formal Grievance Process, and the Rights of the Parties (Appendix B);
- Sufficient information available at the time to allow the Parties to respond to the allegations, including:
  - The identity of the Parties (if known),
  - The precise misconduct being alleged,
  - The date and location of the alleged incident(s) (if known);
- The specific policies alleged to have been violated;
- A statement that retaliation is prohibited;
- A statement that the Parties are entitled to an equal opportunity to inspect and review all relevant and not otherwise impermissible evidence.

For complaints of Sex-based Harassment involving a student Party, the notice will also include:

- A statement that Respondent is presumed not responsible for the reported misconduct unless and until a Final Determination has been rendered at the conclusion of the process and that Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- The right to have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement informing the Parties that the School's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process; and
- A statement that as part of the Formal Hearing Process, the Parties will receive an equal opportunity to review the investigative report that accurately summarizes this evidence. When an investigative report is provided, the Parties are also entitled to an equal opportunity to access the relevant and not impermissible evidence that formed the basis for the report upon the request of any Party.

If, in the course of an investigation, the School decides to investigate additional allegations of sex-discrimination by the Respondent toward the Complainant that are not included in the written notice or that are included in a Consolidated Complaint, it will provide written notice of the additional allegations to the Parties.

#### **G. Emergency Removal of Student Respondent**

The School reserves the right to remove a Student Respondent from its education program or activities on an emergency basis. To initiate an emergency removal, the School must undertake an

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<sup>3</sup> If the School has reasonable concerns for the safety of any person as a result of providing this notice, the School may reasonably delay providing written notice of the allegations in order to address the safety concern appropriately.

individualized safety and risk analysis and determine that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justify the removal. If an emergency removal is imposed, the Respondent will be given notice of the removal and the option to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the removal should not be implemented. If the emergency removal is implemented, the Respondent will also be provided with an opportunity to challenge the decision. However, the emergency removal will remain in effect during any challenge to such decision. The School's President will make a determination regarding any challenges to emergency removals within three (3) business days.

#### **H. Administrative Leave of Employee Respondent**

Respondents that are School employees may be placed on administrative leave during the pendency of a grievance process as determined by the School and the Title IX Coordinator, in conjunction with the Human Resources Director.

#### **I. Complainant's Decision to Pursue a Complaint**

If a Complainant does not wish to be identified, does not wish for an investigation to take place, or does not want a Complaint to be pursued, the Complainant may make such a request to the Title IX Coordinator, who will evaluate the request in light of the duty to ensure campus safety and compliance with state and federal law. The School will comply with Complainant's wishes unless the Coordinator determines that initiating a Complaint is warranted under the circumstances.

The Title IX Coordinator will consider the following factors to determine whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents the School from ensuring equal access on the basis of sex to its education program or activity:

- (1) The Complainant's request not to proceed with initiation of a complaint;
- (2) The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- (3) The risk that additional acts of sex discrimination would occur if a Complaint is not initiated;
- (4) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary Sanction to end the discrimination and prevent its recurrence;
- (5) The age and relationship of the Parties, including whether the Respondent is an employee of the School;
- (6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred; and
- (8) Whether the School could end the alleged sex discrimination and prevent its recurrence without initiating its grievance process.

If the Coordinator independently initiates a Complaint, the Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures. In this circumstance, the Complainant may have as much or as little involvement in the process as the Complainant desires. The Complainant retains all rights of a Complainant under this Policy irrespective of participation

level. Irrespective of whether a Complaint is filed, the School shall offer supportive measures to ensure Complainant's continued access to the School's educational program and activities. If the Complainant elects not to file a Complaint, the Complainant shall retain the right to file a Complaint later.

#### **J. Complaint Dismissal**

The School may dismiss a Complaint or any allegations therein if at any time during the investigation or hearing:

- 1) The School is unable to identify the Respondent after taking reasonable steps to do so;
- 2) The Respondent is not, or is no longer, enrolled in or employed by the School;
- 3) The Complainant voluntarily withdraws any or all of the allegations in the Complaint in writing and the Title IX Coordinator declines to initiate a Complaint; or
- 4) The School determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven. Prior to dismissal of such Complaint, the School will make reasonable efforts to clarify the allegations with the Complainant.

Upon any dismissal, the School shall promptly send written notice of the dismissal and its rationale simultaneously to the Parties. This dismissal decision is appealable by any Party under the procedures for appeal below. If the Respondent has not been notified of the Complaint, the notice of dismissal will only be sent to the Complainant.

If the dismissal is appealed, the School will notify the Parties of any appeal, including notice of the allegations described above if notice was not previously provided to the Respondent. Appeal procedures will be implemented equally for both Parties. The Parties will be provided a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.

Once a decision has been made regarding the appeal, both Parties will be notified of the result and the rationale for the result simultaneously. The Title IX Coordinator will contact both Parties to offer supportive measures, as appropriate. The Coordinator will also determine whether it is necessary to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the School's education program or activity.

Dismissed Complaints may include conduct that could be considered a potential violation of the School's Employee Handbook and may be addressed through other applicable, non-Title IX conduct policies and procedures accordingly.

#### **K. Consolidated Complaints**

If a Complaint involves one or more Complaint, Complainant and/or Respondent and allegations arising out of the same set of circumstances, the School may elect to consolidate complaints.

#### **L. Time Limits on Reporting**

There is no time limitation on making a report or Complaint. However, acting on reports or Complaints is significantly impacted by the passage of time and occurrence of other events (including, but not limited to, the rescission or any revision of this Policy), and is at the discretion of the Title IX Coordinator, who may, among other things, document allegations for future reference, offer supportive measures and/or Remedies, and/or engage in informal or formal action, as appropriate. Additionally, if the Respondent is no longer subject to the School's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide Remedies and/or

Sanctions may be more limited or impossible.

#### **M. Applicability of Policy**

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. If the alleged misconduct occurred both before and after August 1, 2024, this Policy applies.

#### **N. Anonymous Report or Complaint**

If a Complainant or third-party makes a report anonymously, it will be investigated by the School to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or Remedies can be provided. Anonymous reports typically limit the School's ability to investigate and respond, depending on what information is shared. In some situations, the Title IX Coordinator may proceed with the issuance of a Complaint even when the Complainant's report has been made anonymously.

#### **O. Confidentiality**

The School shall undertake reasonable efforts to preserve the confidentiality of reports and Complaints.

The School will not disclose personally identifiable information, including any report or Complaint, obtained in the course of complying with this Policy, except in the following circumstances:

- When the School has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purposes of this Policy, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the School's education program or activity;
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 CFR part 99.

Parties and advisors are also expected to maintain the confidentiality of reports and Complaints the School shares with them, and to maintain the confidentiality of grievance proceedings, including any evidence shared during the process. However, the Parties are not restricted in their ability to obtain and present evidence (including speaking to witnesses); consult with their family members, confidential resources, or advisors; or to otherwise prepare for or participate in the Grievance Procedure.

Certain professionals have a legal and/or ethical responsibility to maintain communications made in



the scope of their professional roles in strict confidence.<sup>4</sup> Some of these roles include licensed professional counselors/mental health providers, licensed medical and health care providers, victim advocates, ordained/licensed clergy, licensed attorneys and rape crisis or domestic violence resources. Complainants or Respondents wishing to speak to someone confidentially are encouraged to seek out such resources. Communications with such professionals are considered legally privileged and cannot be revealed without a Party's express written consent.

#### **P. Supportive Measures**

Supportive measures are individualized measures offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to the School's education program or activity. Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or the School's educational environment, or to provide support during the Grievance Procedures, including the Informal Resolution Process and Formal Grievance Process. Supportive measures are not imposed for punitive or disciplinary reasons.

The Title IX Coordinator promptly makes supportive measures available upon receipt of a report or a complaint alleging possible sex discrimination and will provide written notification of available supportive measures to the Complainant. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented. Supportive measures will also be made available to Respondents, if the School has initiated its grievance procedure.

The School shall maintain the confidentiality of the supportive measures to the greatest extent reasonably practicable, provided that confidentiality does not impair the School's ability to provide supportive measures or otherwise fulfill its obligations under this Policy. The School will implement measures in a way that does not unreasonably burden the other Party.

Supportive measures may vary depending on what the School deems to be reasonably available. These measures may include, but are not limited to, referral to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, referral to medical or healthcare services, referral to community-based services, campus escort services, restrictions on contact applied to one or more Parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, training and education programs related to sex-based harassment, and other similar measures.

The School may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or the School may continue them beyond that point.

Either party may seek modification or reversal of the School's decision to provide, deny, modify, or terminate supportive measures applicable to them from the School's President.

#### **Q. Amnesty Policy**

The School encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report or participate in grievance procedures because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be

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<sup>4</sup> In highly limited circumstances, such as when presenting an immediate threat or danger to another, or when subject to a court order, confidential communications may be revealed without the consent of a Party.

forthcoming during the process for the same reasons.

It is in the best interests of the School community that Complainants choose to report misconduct to School officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, the School may, at its discretion, offer Parties and witnesses amnesty from minor violations of other School policies – such as underage alcohol consumption or personal use of illicit drugs – that may be associated with the incident. However, for students enrolled in the CDL programs, the School must also protect public safety and ensure that its students and employees are upholding the standards of professionalism required of commercial truck drivers. In such cases, the School may not be able to provide amnesty to Parties or witnesses.

Amnesty is not applicable to more serious allegations, such as physical abuse of another or illicit drug distribution.

#### **R. Right to an Advisor**

The Parties have the right to select an advisor of their choice to accompany them to any or all meetings and interviews during the resolution process. There are no limits on who can serve as an advisor; it may be a friend, mentor, family member, attorney, or any other individual a Party chooses to advise, support, and/or consult with them throughout the resolution process. An advisor may be present during a hearing conducted under the Formal Hearing Process, but must follow the rules and procedures set forth by NETTTS.

A witness to the allegations in the Complaint cannot serve as an advisor, as this creates potential for bias and conflict-of-interest.

The School cannot guarantee equal advisory rights, meaning that if one Party selects an advisor who is an attorney, but the other Party does not select or retain an attorney or cannot afford an attorney, the School is not obligated to provide the other Party with an attorney.

#### **S. Conflict-of-Interest & Bias**

Title IX Personnel are trained to ensure they have no conflict of interest and are not biased for or against any Party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias, conflict of interest or other misconduct by any Title IX Personnel contact the School's President, Carl Stebbins, or the Corporate Title IX Coordinator, Kelly Maikowski, 304 Victory Road, Quincy, MA 02171 (617-986-9016) to report your concern.

#### **T. Resolution Timeline**

The School will make a good faith effort to complete the resolution process fairly and promptly. Duration of a matter that proceeds through the Formal Grievance Process is determined by many factors including, but not limited to, the cooperation and availability of the Parties and witnesses, potential concurrent criminal investigations, and the School closures, among others. The School will avoid all undue delays within its control and will grant reasonable extensions of time, upon written request and showing of good cause, by a Party. The School shall provide the Parties written notice of delays and/or extensions, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the Parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.



#### **U. Notifications to Parties**

All notifications to the Parties noted herein will be made by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official School records, or emailed to the Parties' School-issued email or otherwise approved account. Once mailed, e-mailed and/or received in-person, notice will be presumptively delivered.

#### **V. Clery Act Reporting**

Reports or complaints of sexual assault, domestic violence, dating violence, and/or stalking that pose a serious or continuing threat of bodily harm or danger to members of the campus community may trigger a timely warning obligation by the School under the Clery Act. If a warning is deemed necessary, the School will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

In addition, the School is obligated to report and disclose crimes under the Clery Act, including the crimes of sexual assault, domestic violence, dating violence and stalking as defined in this Policy, for statistical reporting purposes only. Reports of these crimes do not include personally identifiable information and therefore preserves the confidentiality of any involved Parties.

#### **W. Retaliation**

The School prohibits retaliation under this Policy. Retaliation means intimidation, threats, coercion, or discrimination against any person by the School, a student, or an employee or other person authorized by the School to provide aid, benefit, or service under the School's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX. This includes retaliation because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in the Informal Resolution Process or the Formal Grievance Process. Retaliation includes peer retaliation, which means retaliation by a student against another student.

Alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The School will take appropriate action to protect individuals who fear that they may be subjected to retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation. Relatedly, a determination of responsibility, alone, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

#### **X. The School's Mandatory Response Obligations**

NETTTS's mandatory response obligations under this Policy arise when NETTTS has knowledge of conduct that reasonably may constitute sex discrimination, sex-based harassment, or retaliation, as defined herein, in its education program or activity. When the School becomes aware of conduct that reasonably may constitute sex discrimination, the School must respond promptly and effectively.

All School employees who either have authority to institute corrective measures on behalf of the School or have responsibility for administrative leadership, teaching, or advising in the School's education program or activity are Mandated Reporters, who are required under the School's policy to report conduct that reasonably may constitute sex discrimination, including sex-based

harassment, to the Title IX Coordinator.

All School employees who are not Mandated Reporters must either 1) report conduct that reasonably may constitute sex discrimination, including sex-based harassment, to the Title IX Coordinator or 2) provide the individual with the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination. If a Mandated Reporter is personally subject to conduct that reasonably may constitute sex discrimination under Title IX, the employee is not required to report such conduct to the Title IX Coordinator, but is, of course, encouraged to do so.

When the School receives a report of conduct that reasonably may constitute sex discrimination, the School must act to stop, remedy and prevent future recurrence of prohibited conduct through application of this Policy.

The School has not designated any employees as confidential employees. If a student or employee wishes to speak to someone confidentiality about any such allegations, they should seek out a licensed professional counselor/mental health provider, licensed medical and health care provider, victim advocates, ordained/licensed clergy, licensed attorneys and rape crisis or domestic violence resources, as appropriate.

#### **Y. Notice, Dissemination and Publication of Policy**

Title IX requires NETTTS to notify applicants for admission or employment as well as students and employees of this Policy. NETTTS complies with Title IX's notice requirements, including prominently publishing its Non-Discrimination Policy & Grievance Procedure and contact information for the Title IX Coordinator on its website and its catalog.

#### **Z. Training**

The School shall provide training to employees related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX, and annually thereafter. The training must not rely on sex stereotypes.

Training for employees generally covers the following topics:

- The School's obligation to address sex discrimination in its education program or activity;
- The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment;
- The responsibility to notify students who inform the employee that they are experiencing Pregnancy or Related Conditions of the Title IX Coordinator's contact information and that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the School's education program or activity; and
- The responsibility to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.

Training for Title IX personnel and School administrators, including Campus Directors, covers the following topics:

- The School's obligations to respond to sex discrimination;
- The School's Informal Resolution Process and Formal Grievance Process;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance;

- Issues related to dating violence, domestic violence, sexual assault, and stalking;
- How to conduct an investigation and decision-making process that protects the safety of Complainants and promotes accountability; and
- The responsibilities of their respective positions with respect to this Policy and Title IX, including the responsibilities of the Title IX Coordinator.

#### **AA. Record Retention**

The School shall maintain the following records related to the implementation of this Policy for at least seven years:

1. Reports or Complaints alleging sexual discrimination, including harassment.
2. Records of any dismissal of a Complaint.
3. Any notices provided to the Parties.
4. Records from each sex discrimination investigation including any determination regarding responsibility.
5. Any audio or audiovisual recording or transcript required under federal regulation.
6. Any disciplinary Sanctions imposed on the Respondent.
7. Any Remedies implemented by the School designed to restore or preserve equal access to the School's education program or activity.
8. Any appeal and the result therefrom.
9. Any informal resolution and the result therefrom.
10. All materials used to train employees, including Title IX Personnel.
11. Any actions, including any supportive measures, taken in response to a report or Complaint of sex discrimination, including a justification for any requested supportive measures that are not provided.

#### **BB. Revision of this Policy**

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated subject to any relevant change in law or School policy, and on a recurring periodic basis, by the Title IX Coordinator. The School reserves the right to make changes to this Policy as necessary, which become effective when published.

This Policy will not restrict any rights guaranteed against government action by the U.S. Constitution and should be interpreted accordingly and should also be construed to comply with the most recent government regulations or applicable judicial decisions.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 1, 2024.

### **III. Scope of Policy**

#### **A. Sex Discrimination Defined**

Sex discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's sex. Sex discrimination may be committed by any person upon any other person on the basis of sex, including on the basis of sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, gender and/or gender identity of those involved. Sex discrimination can also include

discrimination by the School on the basis of parental, family, or marital status in its admissions process, in the provision of financial assistance, or in employment actions.

### **B. Sex-based Harassment Defined**

For purposes of this Policy and the Grievance Procedures, Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, as set forth below.

Sex-based Harassment includes:

Conduct on the basis of sex that satisfies one or more of the following:

- 1) Quid Pro Quo harassment:
  - a. An employee, agent, or other person authorized by the School,
  - b. to provide an aid, benefit, or service under the School's education program or activity,
  - c. explicitly or impliedly conditioning the provision of such aid, benefit, or service,
  - d. on a person's participation in unwelcome sexual conduct.
  
- 2) Hostile Environment harassment:
  - a. Unwelcome sex-based conduct,
  - b. that based on the totality of the circumstances,
  - c. is subjectively and objectively offensive,
  - d. and is so severe or pervasive,
  - e. that it limits or denies a person's ability to participate in or benefit from the School's education program or activity.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the Complainant's ability to access the School's education program or activity;
- The type, frequency, and duration of the conduct;
- The Parties' ages, roles within the School's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the School's education program or activity.

- 3) Sexual assault, defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent, that meets the definition of:
  - a. Rape:
    - i) Penetration,
    - ii) no matter how slight,
    - iii) of the vagina or anus with any body part or object, or
    - iv) oral penetration by a sex organ of another person,
    - v) without the consent of the Complainant.
  
  - b. Fondling:
    - i) The touching of the private body parts of another person (buttocks, groin,

- breasts),
- ii) for the purpose of sexual gratification,
- iii) without the consent of the Complainant,
- iv) including instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

c. Incest:

- i) Sexual intercourse,
- ii) between persons who are related to each other,
- iii) within the degrees wherein marriage is prohibited by Connecticut law.

d. Statutory Rape:

- i) Sexual intercourse,
- ii) with a person who is under the statutory age of consent of 18.

4) Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Connecticut or
- g. by any other person who commits acts against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Connecticut.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### C. Consent and Incapacitation

As used in the offenses above, the following definitions and meanings apply:

*Consent:* Consent is knowing permission to engage in sexual activity that is voluntarily given through clear verbal communication or by unambiguous behavior.

Since individuals may experience the same interaction in different ways, it is the responsibility of each Party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either Party involved in an incident. Instead, the burden remains on NETTTS to determine whether this Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

*Incapacitation:* A person cannot consent if they are unable to understand what is happening or is

disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to an alleged sexual assault violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

#### **D. Jurisdiction of the School**

If the Respondent is unknown or is not a member of the School community, the Title IX Coordinator will assist the Complainant as requested in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement to file a police report upon request.

Further, even when the Respondent is not a member of the School’s community, supportive measures, Remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. In addition, the School may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from School property and/or events.

All vendors serving the School through third-party contracts are subject to the policies and procedures of their employers, and may also be subject to the School’s policies and procedures to which their employer has agreed to be bound by their contracts. Unless a third-party contractor has agreed that its employees will be subject to this Policy, employees of third-party contractors cannot be subject to disciplinary action. However, the Title IX Coordinator may be able to offer supportive measures or Remedies, if appropriate.

#### **E. Scope of the School’s Educational Program and Activities**

This Policy applies to all sex discrimination occurring under the School’s education program or activity in the United States. For purposes of this Policy, conduct that occurs under the School’s education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the School, and conduct that is subject to the School’s disciplinary authority. A School has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the School’s education program or activity or outside the United States.



## IV. Grievance Procedure

The School may resolve a complaint of sex discrimination through either its Informal Resolution Process or its Formal Grievance Process. The Formal Grievance Process includes two separate processes: a Formal Hearing Process and a Formal Administrative Process. Complaints alleging Sex-based Harassment where at least one of the Parties is a student are addressed using the Formal Hearing Process. All other Complaints, including Complaints alleging Sex-based Harassment where no Parties are students or Complainants alleging sex discrimination that is not Sex-based Harassment, are addressed using the Formal Administrative Process.

### A. Informal Resolution

In lieu of resolving a complaint through the School's Formal Grievance Process as outlined below, the Parties may instead elect to participate in the Informal Resolution Process. An informal resolution is facilitated by appropriately trained individuals, is made available at the discretion of the School and as deemed appropriate by the Title IX Coordinator, and offered only if informed, voluntary and written consent is made by all Parties to a complaint. Any Party may opt-out of the informal process at any time, and the matter will proceed through the Formal Grievance Process. The School will not require Parties to waive the right to an investigation and determination of a Complaint under the Formal Grievance Process as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

The School will inform the Parties in writing of any informal resolution process it offers and determines is appropriate, if any. The School will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. In addition to the Informal Resolution Process, the Title IX Coordinator will also take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the School's education program or activity.

Before the initiation of an informal resolution process, the School will explain in writing to the Parties:

- The allegations;
- The requirements of the Informal Resolution Process;
- That at any time and prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution Process and to initiate or resume the Formal Grievance Process;
- That if the Parties agree to a resolution at the end of the Informal Resolution Process, they cannot initiate or resume the Formal Grievance Process arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information the School will maintain and whether and how the School could disclose such information for use in the Formal Grievance Process if such procedures are initiated or resumed.

The facilitator for the Informal Resolution Process must not be the same person as the Investigator or the Decisionmaker in the Formal Grievance Process and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

An informal resolution agreement may include restrictions on contact between the Parties and/or restrictions on the Respondent's participation in one or more of the School's programs or activities



or attendance at specific events, including restrictions the School could have imposed as Remedies or disciplinary Sanctions had the School determined at the conclusion of the Formal Grievance Process that sex discrimination occurred.

The School may offer one of four categories of informal resolution:

- 1) **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.
- 2) **Educational Conversation.** When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.
- 3) **Accepted Responsibility.** When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to Sanctions, and the Complainant(s) and the School are agreeable to the resolution terms.
- 4) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

The Parties may agree, as a condition of engaging in informal resolution, on what statements made or evidence shared during the Informal Resolution Process will not be considered in the Formal Grievance Process, should informal resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution Process.

### *Categories of Informal Resolution*

#### 1. Supportive Resolution

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the School's education program and activity. The Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage with the other resolution options, and the Title IX Coordinator does not initiate a Complaint.

#### 2. Educational Conversation

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the informal resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

The Title IX Coordinator may appoint a designee to have the Educational Conversation with the Respondent. If the Title IX Coordinator is not present for the conversation, the appointed designee will provide a follow up report to the Title IX Coordinator as soon as possible. The report may be delivered via email and should describe the points discussed and include a detailed list of any agreed upon follow up action.

### 3. Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Grievance Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether informal resolution is an option.

If informal resolution is available, the Title IX Coordinator will determine whether all Parties and the School are able to agree on responsibility, restrictions, Sanctions, and/or Remedies. If so, the Title IX Coordinator implements the accepted Finding that the Respondent is in violation of the School Policy, implements agreed-upon restrictions and Remedies, and determines the appropriate responses in coordination with other appropriate Title IX Coordinator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Grievance Process will either continue or resume. When a resolution is reached, the appropriate Sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### 4. Alternative Resolution

The School may offer a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community Remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate School officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

## **B. Overview of Formal Grievance Process: General Provisions**

If a Complaint is made and cannot be resolved through the Informal Resolution Process, the matter will proceed through the Formal Grievance Process as outlined below and will include an objective investigation and either a live hearing or administrative process with the opportunity for questioning of Parties and witness, as well as the right to appeal.

The Formal Grievance Process allows for the prompt and equitable resolution of Complaints of sex discrimination and includes two separate processes: the Formal Hearing Process and the Formal Administrative Process. Complaints alleging Sex-based Harassment where at least one of the Parties is a student are addressed using the Formal Hearing Process. All other Complaints, including Complaints alleging Sex-based Harassment where no Parties are students or Complainants alleging sex discrimination that is not Sex-based Harassment, are addressed using the Formal Administrative Process.

During both the Formal Hearing Process and the Formal Administrative Process:

- Complainants and Respondents will be treated equitably. Any provisions, rule or practice adopted by the School as part of the Formal Grievance Process, other than those required under Title IX and its implementing regulations will apply equally to both Parties.
- Supportive measures, as appropriate, are available to both Parties during the Formal Grievance Process. Either Party may also seek modification or reversal of the School's decision to provide, deny, modify, or terminate supportive measures.
- The process will include an objective evaluation of all relevant evidence (inculpatory and exculpatory) and credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- The process will be conducted by trained Title IX Personnel, free from any known conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- The School presumes Respondent's non-responsibility until and unless demonstrated otherwise by the evidence and after a Final Determination as been rendered.
- Disciplinary Sanctions or punitive measures will not be imposed against a Respondent unless and until there has been a Finding of responsibility after application of the process.
- If at any stage of the investigation it is determined that conditions exist warranting dismissal, the Complaint will be dismissed. Complainant will continue to be entitled to appropriate supportive measures in such cases.

The School requires impartiality in the process by ensuring there are no actual or apparent conflicts of interest or disqualifying biases of any Title IX Personnel. The Parties may, at any time during the resolution process, raise a concern regarding bias, conflict of interest, or any irregularity which may taint the impartiality of the process. Such concerns should be reported in writing to the Title IX Coordinator, Kellie White, the Corporate Title IX Coordinator, Kelly Maikowski, or President, Carl Stebbins, who will evaluate the concern and take appropriate corrective action to ensure integrity of the process.

### *Investigation*

The School will provide for adequate, reliable, and impartial investigation of Complaints. A trained Investigator will be assigned to investigate allegations contained in a Complaint and will do so objectively. The burden to collect all evidence related to the allegations, including both inculpatory and exculpatory, rests on the School, and not on the Parties. The Investigator(s) must be free from bias and conflicts of interest. Depending on the complexity of the case, more than one Investigator may be assigned.

### *Investigation Timeline*

The School will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation. The School may undertake a reasonable delay in its investigation under appropriate circumstances on a case-by-case basis. Such circumstances may include, but are not limited to, a concurrent law enforcement investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The School will communicate in writing the anticipated duration of the delay and reason to the Parties and provide the Parties with status updates as warranted. The School will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the School will

implement supportive measures as deemed appropriate.

### *Concurrent Law Enforcement Investigation or Criminal Proceedings*

The School's Grievance Procedure is an administrative procedure required under Title IX to address sex-based discrimination, and therefore is separate and independent of any law enforcement investigation or criminal proceedings. While a law enforcement investigation may on a case-by-case basis necessitate a temporary delay in the School's Grievance Procedure, such law enforcement investigation does not replace the School's Grievance Procedure, as the School is legally obligated to address and remedy potential sexual harassment in its educational programs and activities as set forth in this Policy.

### *The Investigation Process*

The Investigator serves free from conflict of interest, objectively and without bias. All investigations are thorough, reliable, impartial, prompt, and fair. Investigations may involve interviews with all relevant Parties and witnesses and obtaining available, relevant evidence. The School, not the Parties, bears the burden of gathering evidence and burden of proof. Parties have equal opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The investigation will be conducted within a reasonably prompt timeframe, allowing for thorough collection and evaluation of all evidence related to the allegations. The Investigator will keep the Parties informed as to estimated timelines, and any delays.

### *Role and Participation of Witnesses in the Investigation*

Witnesses who are School employees are expected to cooperate with and participate in the School's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a Policy violation and may warrant discipline.

Interviews with witnesses and Parties may occur in-person or remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used. The School will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

### *Recording of Interviews*

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved Parties must be made aware of and consent to audio and/or video recording.

### *Evidentiary Considerations in the Investigation*

The investigation includes collection of all relevant evidence directly related to the allegations, which is not otherwise privileged. Evidence is relevant if it is related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.

The following types of impermissible evidence will be excluded from the Formal Grievance Process, regardless of whether they are relevant:

- Evidence that is protected under a privilege as recognized by Federal or State law, unless the person to whom the privilege is owed expressly waives this privilege in writing and consents to the release of this information during the Formal Grievance Process;

- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the School obtains that Party's or witness's voluntary, written consent for use in the Formal Grievance Process; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged Sex-based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged Sex-based Harassment or preclude determination that Sex-based Harassment occurred

All Parties and their advisors will be given an opportunity to access any relevant and not otherwise impermissible evidence. Parties and their advisors must keep all information and evidence obtained solely through the Grievance Procedures confidential. Except that Parties and advisors may disclose such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination.

#### *Decisionmaker's Review of the Evidence & Evidentiary Considerations During the Decision-making Phase*

Upon conclusion of the investigation, the matter will proceed to the decision-making phase of the Formal Grievance Process. All complaints alleging Sex-based Harassment where at least one of the Parties is a student are addressed using the Formal Hearing Process (see Section IV.C below). All other Complaints, including Complaints alleging Sex-based Harassment where no Parties are students or Complainants alleging sex discrimination that is not Sex-based Harassment, are addressed using the Formal Administrative Process (see Section IV.D below).

#### *Questioning Parties and Witnesses*

As part of making a Final Determination, the Decisionmaker may question Parties and witnesses. The Decisionmaker should question Parties and witnesses to adequately assess a Party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

#### *Only Relevant Evidence Allowed*

Any evidence that the Decisionmaker(s) determine(s) is relevant and credible may be considered in the hearing/administrative process. Only evidence, which is directly related to the allegations, not subject to an enforceable legal privilege and not otherwise excludable as described above is considered relevant.

#### *When a Party/Witness Refuses to Submit to Questioning*

The Decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

#### *Final Determination as to Responsibility and Standard of Proof*

The Decisionmaker will deliberate privately and will render a Finding as to each allegation in the Complaint by applying the preponderance of the evidence standard (whether it is more likely than

not that the Respondent violated the Policy as alleged). The Decisionmaker may consult with School administrators, with the exception of the School's President, and/or the Title IX Coordinator when determining appropriate disciplinary Sanctions or Remedies.

The School will notify the Parties in writing of the Decisionmaker's Final Determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal, if applicable.

For Sex-based Harassment complaints resolved through the Formal Hearing Process, the Decisionmaker's Final Determination will be provided simultaneously to the Parties through the issuance of a written determination letter, delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official the School records, or emailed to the Parties' the School-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

For complaints resolved through the Formal Hearing Process, the determination letter will include:

1. A description of the alleged Sex-based Harassment;
2. Information about the policies and procedures that the School used to evaluate the allegations;
3. The Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether Sex-based Harassment occurred;
4. When the Decisionmaker finds that Sex-based Harassment occurred, any disciplinary Sanctions the School will impose on the Respondent, whether Remedies other than the imposition of disciplinary Sanctions will be provided by the School to the Complainant, and, to the extent appropriate, other students identified by the School to be experiencing the effects of the Sex-based Harassment; and
5. The School's appeal procedures.

The School will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Grievance Procedures that the Respondent engaged in prohibited sex discrimination.

If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of Remedies to the Complainant and any other people the School identifies as having had equal access to the School's education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary Sanctions on Respondent, including notification to the Complainant of any such disciplinary Sanctions; and
- Take prompt and effective steps, as appropriate, to ensure that sex discrimination does not continue to recur within the School's education program or activity.

The determination regarding responsibility becomes final after expiration or exhaustion of any appeal rights.

### *False Allegations and Evidence*

Making deliberately false and/or malicious accusations, knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation are policy violations subject to discipline.



### C. Formal Hearing Process

All complaints alleging Sex-based Harassment involving a student Party will be equitably resolved through the Formal Hearing Process. During the Formal Hearing Process, the Decisionmaker will question Parties and witnesses at a live hearing to adequately assess a Party's or witness's credibility as described herein. The procedures described below, as well as the procedures described in Section IV.B above apply to the Formal Hearing Process.

All Parties to the Formal Hearing Process are provided with written notice of the date, time, location, participants, and purpose of all meetings or proceedings with reasonable time for the Party to prepare to participate, and equal opportunity to have an advisor of the Party's choice. If, in the course of an investigation, the School decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the Parties.

#### *Investigative Report*

Upon conclusion of an investigation for a Sex-based Harassment complaint, the Investigator will create an investigative report that fairly summarizes relevant evidence. Only evidence which is also deemed relevant is summarized in the investigative report which is considered by the Decisionmaker(s), in rendering a determination of responsibility. All Parties will be provided with an electronic or hard copy of the draft investigation report, and if requested, an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the allegations in the Complaint (whether or not it will be used in reaching a determination). The Parties will have at least a ten (10) business day review and comment period so that each Party may meaningfully respond to the evidence.

The Investigator will incorporate any relevant feedback provided by the Parties during the review process, and the final report is then shared with all Parties and their advisors through electronic transmission or hard copy at least ten (10) business days prior to a hearing.

#### *Live Hearing*

For complaints of Sex-based Harassment involving a student Party, a live hearing will be conducted in real-time and will include questioning of the Parties and witnesses. A Decisionmaker(s) will be appointed to preside over the hearing, evaluate the evidence and make a determination as to each allegation in the complaint. The Decisionmaker will be independent and neutral and will not have had any previous involvement with the investigation. The Investigator, the campus Title IX Coordinator (or designee), or advisors to the proceeding will not serve as the Decisionmaker(s).

The School will conduct the live hearing with the Parties physically present in the same geographic location or, at the School's discretion or upon the request of either Party, will conduct the live hearing with the Parties physically present in separate locations with technology enabling the Decisionmaker and Parties to simultaneously see and hear the Party or witness while that person is speaking (including via Zoom or other virtual platform). Request for remote participation by any Party or witness should be directed to the Title IX Coordinator at least 5 business days prior to the hearing.

All questioning of witnesses and Parties must be conducted by the Decisionmaker. Parties and advisors may not personally conduct cross-examination at the live hearing. Each Party may propose such questions that the Party wants asked of any Party or witness and have those questions asked by the Decisionmaker if relevant and not otherwise impermissible. Parties may also submit follow-

up questions to the Decisionmaker during the hearing following the School's hearing procedure.

Only relevant questions, testimony and evidence may be proffered at the hearing, and the Decisionmaker will make determinations as to relevancy of every question proposed, and of any evidence offered. Privileged evidence or testimony, likewise, may not be proffered during the hearing, without a Party's waiver and written consent allowing its consideration at the hearing.

Parties, advisors, witnesses, and all participating individuals are expected to behave respectfully during the hearing. Harassing, intimidating or disruptive behavior will not be tolerated, and the School reserves the right to exclude anyone from participation in the process that fails to comport themselves accordingly.

The School reserves the right to adopt any hearing protocols, which will be applied and be made available equally to both Parties, to ensure the efficiency, order and decorum of the hearing process. Any such protocols will be provided in writing to the Parties, witnesses and participating individuals at least ten (10) days prior to the scheduled hearing date.

An audio or audiovisual recording, or transcript will be made of the hearing, and will be made available to the Parties for inspection and review. No other recording of the hearing will be allowed.

#### **D. Formal Administrative Process**

The School will resolve Complaints alleging sex discrimination that is not Sex-based Harassment and Complaints of Sex-based Harassment that do not involve a student as a Party through the Formal Administrative Process. The procedures described below, as well as the procedures described in Section IV.B above apply to the Formal Administrative Process. The Formal Administrative Process enables the Decisionmaker to question Parties and witnesses to adequately assess a Party's or witness's credibility through individual meetings with the Parties and witnesses.

For investigations conducted under the Formal Administrative Process, the same individual may serve as the Investigator and Decisionmaker. One of NETTTS's Title IX Coordinators may also serve as the Investigator and/or Decisionmaker.

Each Party may propose questions that the Party wants asked of any Party or witness and have those questions asked by the Investigator or Decisionmaker during one or more individual meetings, including follow-up meetings, with the Party or witness. The Investigator and/or Decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible.

An audio or audiovisual recording, or transcript will be made of the meetings, and will be made available to the Parties with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

Questions that are unclear or harassing of the Party or witness being questioned will not be permitted. The Investigator and/or Decisionmaker will give a Party an opportunity to clarify or revise a question that is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.

#### **F. Appeals, Disciplinary Actions, & Remedies**

##### *Appeal for Dismissal of a Complaint*

A Party may appeal the School's dismissal of a complaint or any allegations therein on the basis of any of the grounds for appeal below.



If the dismissal of a Complaint is appealed, the School will:

- Notify the Parties of the appeal and provide notice of the allegations to the Respondent under the procedures for notice of allegations above unless previously provided;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the Decisionmaker for the appeal has been trained under the procedures for training above;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties of the result of the appeal and the rationale for the result.

### *Appeal of a Final Determination*

Any Party may file an Appeal of a Final Determination reached through either the Formal Hearing Process or the Formal Administrative Process on the following grounds. Appeals must be submitted in writing to the Title IX Coordinator within 7 days of the delivery of the Final Determination. After expiration of the appeal window, the determination will be considered final, and any applicable disciplinary Sanctions will be imposed.

Any Sanctions imposed as a result of the Final Determination are stayed during the appeal process.

The School will notify the Parties of any appeal and provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.

### *Grounds for Appeal*

Appeals may be made on the following bases:

1. Procedural irregularity that would change the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that would change the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that would change the outcome of the matter.

All appeals will be decided by the President of the School or his/her designee. The School will ensure the Decisionmaker for the appeal has been trained consistent with the Title IX regulations and will implement appeal procedures equally for the Parties.

Appeals will not include a hearing. A decision on the merits will be based on information provided in the appeal document. If an appeal is based on the availability of new evidence, this evidence must be described with specificity and must be available for review within a reasonably prompt timeframe for consideration.

The appeal outcome will specify the Finding on each ground for appeal, any specific instructions for remand or reconsideration, and the rationale supporting the Findings. Appeal decisions will be made within seven (7) business days, barring exigent circumstances, including the review of new evidence not immediately available for submission with the appeal request. Decisions on appeal will

be made by applying the preponderance of evidence standard.

Notification of the appeal outcome and the rationale for the result will be made in writing and will be delivered to the Parties by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official School records, or emailed to the Parties' School-issued email or otherwise approved account. Once mailed, e-mailed and/or received in-person, notice will be presumptively delivered. Decisions on appeal are considered final.

### *Sanctions, Disciplinary Action, & Remedies*

The School may consider a number of factors when determining a Sanction and/or Remedy and will focus primarily on actions aimed at ending, and preventing the recurrence of, discrimination, harassment, and/or retaliation and the need to remedy the effects its effects on the Complainant and campus community. Sanctions will be imposed upon either expiration of the appeal window, or after Final Determination on any appeal filed.

Sanctions or actions may include, but are not limited to, those listed below. These may be applied individually or in combination and the School may assign Sanctions not listed, as deemed appropriate.

*Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any School policy, procedure, or directive will result in more severe Sanctions/responsive actions.

*Required Counseling:* A mandate to meet with and engage in external counseling to better comprehend the misconduct and its effects.

*Probation:* A written reprimand for violation of School policy, providing for more severe disciplinary Sanctions in the event that the student is found in violation of any School policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

*Suspension:* Termination of student status for a definite period of time not to exceed one year and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the School.

*Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend School-sponsored events.

*Withholding Diploma:* The School may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a Sanction if the student is found responsible for an alleged violation.

*Other Actions:*

*Warning – Verbal*

*Performance Improvement/Management Process*

*Required Training or Education*

*Loss of Annual Pay Increase*

*Loss of Oversight or Supervisory Responsibility*

*Demotion*

*Suspension with pay*

*Suspension without pay*

*Termination*

*Other Actions:* In addition to or in place of the above Sanctions, the School may impose any other Sanction as deemed appropriate.

### *Remedies/Other Actions*

Following the conclusion of the resolution process, and in addition to any Sanctions imposed, the Title IX Coordinator may implement additional Remedies or actions with respect to the Parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These Remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Training or awareness campaigns
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the Parties
- Adjustments to academic deadlines, course schedules, etc.
- Modified campus security measures

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the Parties even if no Policy violation is found.

The School will maintain the privacy of any Remedies, provided privacy does not impair the School's ability to provide these services.

### *Failure to Comply with Disciplinary Sanctions or other Remedies*

Respondents are expected to comply with any disciplinary Sanction or Remedy as set forth in the Final Determination or in response to a final outcome. Failure to abide by the Sanction(s)/action(s) whether by refusal, neglect, or any other reason, may result in additional disciplinary action, including suspension or expulsion.

## **V. Pregnancy and Related Conditions**

NETTTS does not discriminate in its education program or activity against any student based on the student's current, potential, or past Pregnancy or Related Conditions.

Pregnancy and Related Conditions may include:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
  - Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation;
- or

- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

The School will take prompt and appropriate steps to end pregnancy related harassment, prevent its recurrence, and eliminate any hostile environment created by the harassment in accordance with the Grievance Procedure in this Policy.

### *Contacting the Title IX Coordinator*

Students who are experiencing Pregnancy or Related Conditions are encouraged to notify the Title IX Coordinator who can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the School's education program or activity. The Title IX Coordinator can provide information to students about reasonable modifications and leaves of absence available to students who are experiencing Pregnancy or Related Conditions.

If a student or a person who has a legal right to act on behalf of the student informs an employee that the student is experiencing Pregnancy or Related Conditions, the employee must provide the individual with the Title IX Coordinator's contact information and inform the individual that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the School's education program or activity, unless the employee reasonably believes that the Title IX Coordinator has been notified.

Title IX Coordinator: Kellie White  
 Office of the Registrar  
 Address: 510 Barnum Road, Bridgeport CT 06608  
 Tel.: (203) 368-9069  
 Email: KWhite@Nettts.com  
 Web: NETTTS.com

### *Reasonable Modifications*

Students who are experiencing Pregnancy or Related Conditions may request reasonable modifications as a result of Pregnancy or Related Conditions. Reasonable modifications must be based on the student's individualized needs and specific modifications will vary from student to student. The School will provide reasonable modifications to students who are experiencing Pregnancy or Related Conditions, but a modification is not considered to be reasonable if it would fundamentally alter the nature of the School's education program or activity. Students have the discretion to accept or decline each reasonable modification offered by the School.

Reasonable modifications may include, but are not limited to:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with Pregnancy or Related Conditions, including eating, drinking, or using the restroom;
- Intermittent absences to attend medical appointments;
- Access to online or homebound education (if available);
- Changes in schedule or course sequence;
- Extensions of time for coursework and rescheduling of tests and examinations;
- Allowing a student to sit or stand, or carry or keep water nearby;
- Referrals to counseling;
- Changes in physical space or supplies (for example, access to a larger desk or a footrest);  
or
- Other changes to policies, practices, or procedures.

### *Lactation Space*

The School provides private spaces on each of its campuses to accommodate nursing/lactation as needed. Students who anticipate requiring access to a lactation space should notify the Title IX Coordinator at least a week in advance.

### *Voluntary Leave of Absence*

Students who are experiencing Pregnancy or Related Conditions may voluntarily take a leave of absence from the School's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. If the student qualifies for leave under a leave policy maintained by the School that allows a greater period of time than the medically necessary period, the student will be permitted to take voluntary leave under that policy instead if the student so chooses. When the student returns to the School's education program or activity, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began. Depending on the timing and length of time of the leave of absence, students may be required to join a subsequent cohort and/or wait until the required coursework is offered in the following year or semester.

### *Supporting Documentation*

Students who are experiencing Pregnancy or Related Conditions may be asked to provide supporting documentation to support a request for a modification or leave of absence if the documentation is reasonable and necessary for the School to determine the reasonable modifications to make or the length of a leave of absence. Documentation will not be required when the need for the modification is obvious.

## VI. Appendix A: Definitions

**Complainant.** (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in the School's education program or activity at the time of the alleged sex discrimination.

**Consolidated Complaint.** A complaint with more than one Complainant or Respondent arising when multiple Parties submit complaints arising out of the same facts and circumstances and as deemed appropriate for consolidation by the Title IX Coordinator.

**Final Determination:** A decision rendered and provided in writing to the Parties of a Complaint after application of the School's Formal Grievance Process concluding whether or not Respondent is responsible for conduct alleged within a Complaint in violation of this Policy.

**Finding:** A conclusion within the Final Determination as evaluated under the burden of proof (preponderance of the evidence) that a specific allegation within a Complaint did or did not occur.

**Complaint.** An oral or written request to the School that objectively can be understood as a request for the School to investigate and make a determination about alleged discrimination under Title IX or this part.

**Formal Grievance Process.** The method of formal resolution designated by the School to address conduct that falls within the scope of this Policy, and which complies with the requirements of 34 CFR Part 106.45 and 106.46 as applicable. The Formal Grievance Process includes both the Formal Hearing Process and the Formal Administrative Process.

**Decisionmaker(s).** A trained individual with responsibility for making a Final Determination as set forth in the School's Formal Grievance Process. A Decisionmaker must maintain neutrality and not have a conflict of interest.

**Informal Resolution Process.** An alternative resolution process which may be available to the Parties to seek resolution of a Complaint in lieu of the Formal Grievance Process. Informal resolution is facilitated by appropriately trained individuals, is made available at the discretion of the School and as deemed appropriate by the Title IX Coordinator, and offered only if informed, voluntary and written consent is made by all Parties to a Complaint.

**Investigator.** A trained individual responsible for fulfilling the School's burden of gathering and evaluating all evidence related to allegations within a Complaint as required under the School's Grievance Procedure.

**Mandated Reporter.** A School employee who either has authority to institute corrective measures on behalf of the School or has responsibility for administrative leadership, teaching, or advising in the School's education program or activity. Mandated Reporters are obligated by Policy to share knowledge, notice, and/or reports of Sex-based Harassment, sex discrimination, and/or retaliation with the Title IX Coordinator.

**Parental Status.** The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is (1) A biological parent; (2) An adoptive parent; (3) A foster parent; (4) A stepparent; (5) A legal custodian or guardian; (6) In loco parentis with respect to such a person; or (7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

**Parties.** The Complainant(s) and Respondent(s), collectively.

**Pregnancy or Related Conditions.** Pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**Remedies.** Measures provided, as appropriate, to a Complainant or any other person the School identifies as having had their equal access to the School's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that individual's access to the School's education program or activity after the School determines that sex discrimination occurred.

**Respondent.** An individual who is alleged to have violated the School's prohibition on sex discrimination.

**Sanction.** A disciplinary consequence imposed by the School on a Respondent who is found to have violated this Policy.

**Sex-based Harassment.** Behavior or conduct as defined under Title IX and its implementing regulations at 34 CFR 106, and as more fully articulated in this Policy in Section III.

**Title IX Coordinator.** The School's employee(s) responsible for ensuring compliance with Title IX.

**Title IX Personnel.** Those individuals collectively tasked with implementation of this Policy and Grievance Procedure including specifically, the Title IX Coordinator(s) (including any designees as applicable), any Investigator, any Decisionmaker, and any facilitators for the informal resolution process.



## VII. Appendix B: Rights of the Parties

Under this Policy and the Grievance Procedures, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited sex discrimination, sex-based harassment, and retaliation, as defined by this Policy.
- Timely written notice of all alleged violations.
- Timely written notice of any material adjustments to the allegations.
- Have all personally identifiable information protected from release to the public without consent, except to the extent permitted by law.
- Be treated with respect by NETTTS officials.
- Have this Policy and these procedures followed without material deviation.
- Be informed of options to notify proper law enforcement authorities, including local police, and the option(s) to be assisted by NETTTS in notifying such authorities, if the Party chooses. This also includes the right to not be pressured to report and to decline to notify such authorities.
- Be informed of available supportive measures.
- Have NETTTS maintain supportive measures for as long as deemed necessary by the Title IX Coordinator, ensuring they remain confidential, provided confidentiality does not impair NETTTS' ability to provide the supportive measures.
- Receive sufficiently advanced written notice of any meetings or interviews involving another Party, when possible.
- Provide the Investigator(s)/Decisionmaker(s) with a list of questions that, if deemed relevant and permissible, may be asked of any Party or witness.
- Access the relevant evidence obtained and respond to that evidence.
- Receive regular status updates on the investigation and/or resolution process.
- Have reports of alleged Policy violations addressed by Title IX Personnel who have received relevant annual training as required by law.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.
- Petition that any NETTTS representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- Be able to select an Advisor of their choice to accompany and assist the Party in all meetings and/or interviews associated with the resolution process.
- Be promptly informed of the Final Determination and Sanction(s) (if any).
- Be informed in writing of when a decision is considered final and any changes to the Final Determination or Sanction(s) that occur post outcome letter delivery.
- Be informed of the opportunity to appeal the Final Determination, and the procedures for doing so in accordance with NETTTS' grounds for appeal.
- A fundamentally fair resolution as defined in these procedures.