Sexual Misconduct Policy

I. PURPOSE AND SCOPE OFPOLICY

1. Statement of Institutional Values

Sexual misconduct of any form is a violation of a person's rights, dignity and integrity. An act of sexual misconduct represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Acts of sexual misconduct are harmful and illegal and will not be tolerated at Pinnacle Career Institute (PCI). Such acts corrupt the integrity of the educational process, are contrary to the mission and values of the PCI community and are against PCI policy.

All members of the PCI community should be free from sexual misconduct in the classroom, the social and recreational environment, as well as the workplace. PCI seeks to foster a climate free from sexual misconduct through a coordinated education and prevention program, the promulgation of clear and effective policies, as well as investigative and grievance procedures that are prompt, equitable, and accessible to all. In response to any reported sexual misconduct, PCI will take all appropriate steps to eliminate the misconduct, prevent its recurrence and address its effects.

In order to foster a climate of respect for oneself and for one another and provide for the safety and security of our community, PCI expects all community members to take action to prevent acts of sexual misconduct. Creating a safe campus environment is the responsibility of all members of the PCI community, both individually and collectively.

In order to achieve equitable results, PCI will carefully review and/or investigate all reports with an earnest intent to understand the perspective and experiences of each individual involved, and provide for fair and impartial evaluation and resolution.

2. Sexual Assault Prevention, Risk Reduction, and Awareness Programs

PCI engages in comprehensive, intentional and integrated programming intended to respond to and prevent sexual assault, domestic violence, dating and stalking that:

- Is culturally relevant, inclusive of diverse communities and identities, sustainable, responds to community needs, and is informed by research or assessed for value, effectiveness, or outcome.
- Considers environmental risk and protective factors as they occur to the individual, relationship, institutional, community, and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention for students and employees that:

- Identify sexual assault, domestic violence, dating violence, and stalking as prohibited conduct.
- Define using definitions provided by the Department of Education, state law, and/or Code of Conduct, what behavior and actions constitute consent to sexual activity in the state of Missouri and explain consent by using the student Code of Conduct.
- Provide a description of safe and positive options for bystander intervention. **Bystander intervention** means safe, effective, and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of harm, including sexual assault, domestic violence, dating violence, or stalking. Bystander intervention includes recognizing situations of potential harm, evaluating the situations and options, and deciding what intervention is appropriate.
- Describe risk-reduction options. **Risk reduction** means options designed to decrease perpetration and bystander interaction and to increase empowerment for victims in order to promote safety

and to help individuals and communities address conditions that facilitate violence.

- Raise awareness of the prohibitive behavior and/or consent and healthy relationships. **Awareness programs** are those programs that raise awareness of the various offenses, behaviors, and/or prosocial behaviors in regards to prevalence, statistics, normative information, options, resources, services, or other areas of interest/or concern.
- Encourage primary prevention. **Primary prevention programs** are designed to prevent an offense from occurring. Such programs include information regarding consent, healthy relationships, and positive prosocial behavior.
- PCI's ongoing prevention awareness continues the ongoing goal of preventing and raising awareness of sexual assault, domestic violence, dating violence, and stalking; PCI's prevention and awareness campaign was discussed and developed in the fall of 2013 and early 2014, with implementation of the ongoing campaign/program in the fall of 2014.

PCI has developed an annual educational campaign consisting of presentations that include distribution of educational material to new students; participating in and presenting information and materials during new employee orientation.

3. Purpose of the Policy

The purpose of this policy is to provide the PCI community with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts, and descriptions of prohibited conduct. The policy applies to all PCI community members, including students, faculty, and staff. It is intended to protect and guide students, faculty and staff who have been affected by sexual misconduct, whether as a complainant, a respondent, or a third party. When used in the policy, a complainant refers to the individual who believes that he/she/they have been the subject of sexual misconduct. A respondent refers to the individual who has been accused of sexual misconduct. A third party refers to parents, guardians, or any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else. A report refers to any incident or concern regarding sexual misconduct that is reported to PCI. A formal complaint is an allegation of sexual misconduct filed against a faculty or staff member or student that initiates the appropriate disciplinary process. It is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under the Final Rule, and by any additional method the school designates.

In addition to defining sexual harassment and the forms of sexual misconduct that violate the standards of our community, this policy will also:

- Identify resources and support for all members of the PCI community;
- Identify the Title IX Coordinator, Deputy Coordinators and their roles;
- Provide information about where a PCI community member can obtain support or access to resources in a confidential manner;
- Provide information about how a PCI community member can make a report on-campus and off-campus, and;
- Provide information about how a report against a PCI community member will be investigated, evaluated and resolved.

4. Scope

As stated above, this policy applies to all members of the PCI community, including students, employees, visitors and independent contractors. When used in the policy, employees generally refer to both staff and faculty members, although there are separate complaint processes delineated for employees and students. Vendors, independent contractors, visitors and others who conduct business with PCI or on PCI property are also expected to comply with this policy.

All PCI community members are responsible for their actions and behavior, whether the conduct occurs on campus or in another location. Members of the PCI community have a responsibility to adhere to College policies and local, state and federal law.

As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus behaviors that have an actual or potential adverse impact on any member of the PCI community or PCI, itself, fall under this policy

Any individual may make a report alleging a violation of this policy. PCI will provide resource options and respond promptly and equitably to all allegations of sexual misconduct. PCI will engage in a Title IX review throughout which it is committed to maintaining fairness for all parties and to balancing the needs and interests of the individuals involved with the safety of the community as a whole.

5. Coordination with Non-Discrimination Policy

Pinnacle Career Institute (PCI) recognizes harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, military or veteran status or disability. Targeting individuals on the basis of these characteristics is also a violation of PCI community standards. Under these circumstances, PCI will coordinate the investigation and resolution efforts to address harassment related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, military or veteran status or disability.

II. NOTICE OF NON-DISCRIMINATION

PCI is committed to establishing and maintaining an environment free from all forms of harassment and discrimination for all PCI community members. PCI does not discriminate on the basis of race, color, ethnicity, national origin, age, sex, sexual orientation, gender identity or expression, physical or mental disability, religion, military or veteran status or any other protected class.

PCI does not discriminate on the basis of sex in its educational, extracurricular, athletic or other programs or in the context of employment. Sexual misconduct, including sexual harassment as defined by this policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited under Title IX of the educational Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964.

This policy prohibits sexual misconduct against all PCI community members of any gender or sexual orientation. This policy prohibits gender-based harassment that does not involve conduct of a sexual nature.

III. PCI STATEMENT OF PRIVACY

Pinnacle Career Institute is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. In any Title IX review of an allegation of sexual misconduct, every effort will be made to protect the privacy and interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation. Such a review is essential to protecting the safety of the complainant, the respondent, and the broader campus community, and to maintaining an environment free from sexual discrimination.

At all times, the privacy of the parties will be respected and safeguarded. Information related to a report of misconduct will be shared only with those PCI employees who "need to know" in order to assist in the investigation and/or resolution of the complaint. All PCI employees who are involved in the Title IX review process have received specific training regarding the safeguarding of private information. Students and employees wishing to obtain confidential assistance through on-campus or off-campus resources without making a report to PCI may do so by speaking with professionals who are obligated by law to maintain confidentiality. These non-PCI professionals are identified in Attachment B.

When PCI has received a report of sexual misconduct, but the complainant requests that his/her identity remain confidential, or that PCI not pursue an investigation, PCI will balance this request with its responsibility to provide a safe and non-discriminatory environment for all PCI community members. PCI will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. At all times, PCI will seek to respect the request of the complainant, and where is cannot do so, PCI will consult with the complainant and keep him/her/them informed about the chosen course of action.

If a report of misconduct discloses an immediate threat to the PCI community, PCI may issue a timely notice of the conduct to the community to protect the health or safety of the broader campus community. This notice will not contain any biographical or other identifying information. Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to PCI students, faculty, administrators, staff or visitors. All

resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX and PCI policy. No information shall be released from such proceedings except as required or permitted by law and PCI policy.

IV. PROHIBITED CONDUCT AND DEFINITIONS

Pinnacle Career Institute (PCI) prohibits sexual misconduct. Sexual misconduct is a broad term that includes, but is not limited to sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, bullying and cyber-bullying, aiding or facilitating the commission of a violation, and retaliation.

Consistent with the values of an educational and employment environment free from harassment based on sex, PCI also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereo-typing, even if those acts do not involve conduct of a sexual nature.

1. Definition of Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work or participation in social or extracurricular activities.
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile humiliating, demeaning or sexually offensive working, academic or social environment. The effect will be evaluated based on the perspective or a reasonable person in the position of the complainant.

A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

2. Forms of Prohibited Sexual Harassment

Sexual harassment is prohibited. In some cases, sexual harassment is obvious and may involve an overt action, a threat or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.

Sexual harassment can take many forms:

- It can occur between equals (e.g. student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff) or between persons of unequal power status (e.g. supervisor to subordinate, faculty member to student)/ Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g. student harassing a faculty member).
- It can be committed by and individual or may be a result of the collective actions of an organization or group.
- It can be committed against an individual, an organization or a group.
- It can be committed by an acquaintance, a stranger, or someone with whom the complainant has a personal, intimate or sexual relationship.
- It can occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- It does NOT have to include intent to harm, be directed at a specific target, or involve repeat incidents.
- It occurs in the school's education program or activity, against a person in the United States Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Examples of behavior that might be considered misconduct include, but are not limited to:

- Unwanted or inappropriate sexual innuendo, propositions, sexual attention or suggestive comments and gestures, humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender; insults and threats based on sex or gender; and other oral, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome;

- Written graffiti or the display or distribution of sexually explicit drawings, pictures or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of emails or web sites of a sexual nature.
- Non-academic display or circulation of written materials or pictures degrading to an individual(s) or gender group (it is expected that instructors will offer appropriate warning regarding the introduction of explicit and triggering materials in the classroom);
- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body;
- Undue and unwanted attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures;
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances;
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity/expression, or sexual orientation;
- Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (2) promise rewards in return for sexual favors.
- Sexual assault;
- Abusive, disruptive or harassing behavior, verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on gender and/or in the context of intimate partner violence.
- Demeaning verbal or other expressive behavior of a sexual or gendered nature in instructional settings; and
- Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived sexual orientation or gender identity or the harasser or target.

3. Additional Forms of Prohibited Sexual Misconduct

Sexual misconduct may vary in its severity and consists of a range of behaviors. The following descriptions represent sexual behaviors that violate PCI's community standards and a person's rights, dignity and integrity.

- **Sexual Violence:** Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery and sexual coercion. Sexual violence may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals no known to one another. Examples include, but are not limited to:
    - Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.
    - Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.
- **Sexual Exploitation:** An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, and/or may involve individuals not known to one another. Examples include, but are not limited to:
    - Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
    - Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
    - Prostituting another individual;
    - Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge; and
    - Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

- **Stalking:** A course of conduct involving more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm. This includes cyber-stalking, a particular form of stalking in electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.
- **Aiding or Facilitating:** Aids, facilitates, promotes or encourages the commission of a violation under this policy. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Taking action may include direct intervention, calling campus security or local law enforcement, or seeking assistance from a person with authority.
- **Retaliation:** Acts or attempts to retaliate or seek retribution against the complainant, respondent or an individual or group of individuals involved in the investigation and/or resolution of an allegation of sexual misconduct is prohibited.
    - No school or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.
    - Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.
    - The school must keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, or as required by law, or as necessary to carry out a Title IX proceeding.
    - Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination that schools must adopt and publish.
    - The exercise of rights protected under the First Amendment does not constitute retaliation.

4. Statement on Consent, Coercion, Incapacitation, and Alcohol

Consent to engage in sexual activity must be knowing and voluntary. Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity, and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact. For example, an individual may agree to kiss but choose not to engage in touching of the intimate parts or sexual intercourse. An individual should obtain consent before moving from one act to another.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. In the absence of an outward demonstration, consent does not exist. If, at any time, it is reasonably apparent that either party is hesitant, confused or uncertain, both parties should stop and obtain mutual verbal consent before continuing sexual activity.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.

Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

In the state of Missouri, consent can never be given by minors under the age of 17. In the state of Kansas, consent can never be given by minors under the age of 16.

Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether

or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, sever and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

An individual who is incapacitated is not able to make rational, reasonable judgments and therefore, is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he/she/they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which he/she/they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The relevant standard that will be applied is whether the respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could consent to sexual activity.

PCI considers sexual contact while under the influence of alcohol to be risky behavior. Alcohol impairs a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.

5. Consensual Relationships

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the PCI community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affix his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the PCI community is requires to evaluate the work or make personnel or academic decisions with respect to an individual with who he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that I not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the PCI community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this policy, an individual is a "responsible employee" when they have responsibility for another individual at PCI by performing functions including, but not limited to: teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer with benefits such as promotions, financial aid awards or other remuneration, or that may impact upon other academic or employment opportunities.

V. RESOURCES

1. Overview

Pinnacle Career Institute is committed to treating all individuals with dignity, care and respect. Any individual affected by sexual misconduct, whether a complainant, respondent or a third party, will have equal access to supportive measures and counseling services through PCI. PCI recognizes that any individual involved in an incident of sexual misconduct may have questions and we encourage PCI community members to seek the support of campus and community resources. PCI can provide guidance in making decisions, obtaining information about valuable resources and assisting either party in the event that a report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

Complainants, respondents and third parties can expect:

- The opportunity to meet with the Title IX or Deputy Title IX Coordinator to answer questions regarding

PCI's complaint processes for students and employees.

- Notice of confidential resources, including both health care and mental health counseling services, on campus and in the local community.
- Notice of the option to pursue law enforcement action and to be assisted by PCI officials in accessing and communicating with law enforcement authorities. This notice will include a discussion of the importance of preservation of evidence.
- The opportunity to request that PCI take the steps to prevent unnecessary or unwelcome contact or communication with another member of the PCI community.
- The right to be free from retaliation. Any concerns of retaliatory behavior should be immediately reported to the Title IX or Deputy Title IX Coordinator.

2. Confidential & Community Resources and Support

PCI encourages all PCI community members to report an incident of sexual misconduct. PCI recognizes, however, that there are many barriers to reporting, both individual and societal, and not every individual will choose to make a formal report with PCI or with local law enforcement. For those individuals who are not prepared to make a report, there are several confidential resources available for students, faculty and staff. Individuals seeking to talk to someone about an incident of sexual misconduct in a confidential manner without making a report to PCI or triggering any investigation or action by PCI may utilize the following resources. These resources hold a statutorily protected confidentiality that prohibits the release of an individual's information without that individual's express consent (except under limited circumstances that pose an imminent danger to the individual or others.) The following off-campus resources are confidential:

- Metropolitan Organization to Counter Sexual Assault (MOCSA)
  Main: (816) 931-4527
  Missouri Crisis Line: (816) 531-0233
  Kansas Crisis Line: (913) 642-0233
- Safe Home: 24-Hour Hotline: (913) 262-2868
- Kansas City Anti-Violence Project Main: (816) 561-2755
  Hotline: (816) 561-0550
- Safe at Home (866) -509-1409
- Synergy Services Main: (816)587-4100
  Hotline: (816) 452-8535
- GaDuGi Safe Center
  Hotline: (785) 843-8985

3. Campus Resources

In addition to the confidential resources listed above, all PCI community members have access to a variety of resources provided by PCI that can provide crisis intervention services, counseling, academic support and medical services. All of the staff listed below are trained to support individuals affected by sexual misconduct and to coordinate with the Title IX Coordinator consistent with PCI's commitment to a safe and healthy educational and work environment. While not bound by confidentiality, these resources will nevertheless maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

Title IX Coordinator (Staff and Faculty)
Josh Geigel
816-331-5700
jgeigle@pcitraining.edu

Title IX Coordinator (Students)
Rebecca Clothier
816-331-5700 rclothier@pcitraining.edu

VI. REPORTING

All PCI employees, including faculty, staff, administrators and student employees who have a responsibility for student welfare are required to share with a member of the Title IX team any report of sexual misconduct they receive or of which they become aware.

All community members, even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of sexual misconduct to a member of the Title IX team.

The Title IX team/coordinator will ensure that the PCI responds to all reports in a timely, effective and consistent manner. The PCI Title IX team consists of the Title IX Coordinators and the Deputy Title IX Coordinators, the Executive Director of Human Resources, as applicable, the Executive Director of the campus, as applicable and the President. The team is charged with the review, investigation and resolution of all reports to ensure consistent responsiveness and the integrated provision of interim measures to support the individuals involved and to protect the campus community. It is only through this consistent and informed response that we create culture of accountability and break the culture of silence. The Title IX team is positioned to provide seamless support, assess campus safety and effectively respond to allegations of sexual misconduct.

PCI will promptly and thoroughly investigate and respond to all reports of sexual misconduct. PCI will respond to all reports in an integrated, consistent manner that treats each individual with dignity and respect. PCI will approach each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.

PCI is committed to providing a variety of welcoming and accessible means so that all instances of sexual misconduct will be reported. PCI also recognizes that the decision whether or not to report sexual misconduct is personal, and that there are many barriers to reporting, both individual and societal. Not every individual will be prepared to make a report to PCI or to law enforcement, and individuals are not expected or required to pursue a specific course of action.

An incident does not have to occur on campus to be report to PCI. Off-campus conduct that adversely affects PCI or the PCI community also falls under this policy.

An individual does not have to decide whether or not to request disciplinary action at the time the report is made. PCI recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. PCI will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination.

As outlined in the Resources section of this policy, there are confidential community resources available to individuals not wishing to make a report to PCI. Information shared with these resources will not be reported to PCI.

As outlined in the Statement of Privacy, PCI respects the privacy interests of students, faculty and staff. All information reported will be shared only with those employees who assist in the investigation and/or resolution of the complaint.

1. Emergency/Immediate Reporting Options

PCI encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. PCI will assist any community member to get to a safe place and will provide transportation to the hospital, coordination of law enforcement and information about PCI's resources and complaint processes.

A medical provider can provide emergency and/or follow-up medical services, and the ability to discuss any health concerns related to the incident in a confidential medical setting may bring peace of mind. The medical exam has two goals: first, and foremost, to diagnose and treat the full extent of any injury or physical effect; and second, to properly collect and preserve evidence. There is a limited window of time (typically 72 - 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through PCI's complaint processes or through the pursuit of criminal action.

2. Campus Reporting Options

PCI recognizes that a student or employee may choose to report sexual misconduct to *any* trusted employee of PCI. For example, a student may choose to confide in a faculty member, who is considered a "responsible employee" and who must report the incident under this policy. An employee may choose to confide in a supervisor, also considered a "responsible employee." Under this policy, *any* employee who receives a report of

sexual misconduct must share the report with the Title IX Coordinator, as applicable, or a member of the Title IX team. The Title IX Coordinator and Title IX team are specifically charged with investigating and responding to allegations of sexual misconduct. Please refer to the Campus Resources section for a list of campus/Title IX contacts.

3. Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual misconduct. An individual may report the incident without disclosing his/her name, identifying the respondent or requesting any action. - Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. Depending on the level of information available about the incident or the individuals involved, however, PCI's ability to respond to an anonymous report may be limited.

4. False and Malicious Accusations

Members of the PCI community who make false and malicious complaints of sexual misconduct, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

5. Time Frame for Reporting

Individuals are encouraged to report sexual misconduct immediately in order to maximize PCI's ability to respond promptly and equitably. PCI does not, however, limit the timeframe for reporting. PCI will not be able to pursue disciplinary action against an individual who is no longer affiliated with the institution.

6. Coordination with Law Enforcement

PCI encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Missouri/Kansas law. In every case of sexual violence, PCI, through the Title IX Coordinator, will notify the local law enforcement of the allegations. PCI will also assist a complainant in making a criminal report and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. However, a complainant may also choose not to pursue criminal action, and under most circumstances, the local law enforcement agency will not force the complainant to pursue charges if he/she/they are not willing to do so.

PCI's policy, definitions and burden of proof may differ from Missouri/Kansas criminal law. A complainant may seek resolution through PCI's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination whether or not to prosecute the respondent, nor the outcome of any criminal prosecution, are determinative of whether sexual misconduct under this policy has occurred. Proceedings under PCI's Sexual Misconduct Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

VII. Interim Measures

Upon receipt of a report, PCI will provide interim support and reasonable protective measures to prevent further acts of misconduct, and to provide a safe educational and work environment. PCI will determine the necessity and scope of any interim measures. Even when a complainant or respondent does not specifically request that protective action be taken, PCI may choose to impose interim measures at its discretion to ensure the safety of any individual, the PCI community or the integrity of the review process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. PCI will take immediate and responsive action to enforce measures previously ordered or implemented.

PCI may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if not specifically listed here. The range of interim measures may include:

- **No Contact Order:** A complainant or respondent may request, or PCI may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in person, telephone, electronic or third party communications. In some cases, an individual may also wish to consider an Abuse Prevention Order or Harassment Protection Order from the local courts. This is a civil proceeding independent of PCI. If a court order is issued, PCI will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order.
- **Academic or Employment Modifications:** A complainant or respondent may request an academic or employment accommodation after a report of sexual misconduct. An individual who requests assistance in changing their academic situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations. These may include:

- Academic accommodations include changes in class schedule, taking an incomplete, dropping a course without penalty, attending a class online or other alternative means available or extending deadlines for assignments;
- Change in work schedule or assignment;
- Providing an escort to ensure safe movement between classes and activities.

- **Emotional Support:** PCI will provide referral services to off-campus agencies as detailed in the Confidential and Community Resources section of this policy.
- **Interim Support:** Where the report of sexual misconduct poses an ongoing risk of harm to the safety or well- being of an individual or members of the campus community, PCI may place an individual(s) on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual(s) may be denied access to the campus. When interim suspension or leave is imposed, PCI will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

VIII. Title IX REVIEW

1. Role of the Title IX Coordinator

The President of Pinnacle Career Institute has appointed two Title IX Coordinators. One for employee related complaints and once for student related complaints. In their roles as Title IX Coordinators, they oversee PCI's centralized review, investigation and resolution for reports of sexual misconduct. They also coordinate PCI's compliant with Title IX. The two Title IX Coordinators are supported by several administrators at each campus that serve as Deputy Title IX Coordinators. Each is knowledgeable and trained in state and federal laws that apply to matters of sexual harassment, as well as PCI policy and procedure.

The Title IX and Deputy Title IX Coordinators can be contacted by telephone, email or in person during regular office hours. Please refer to the Campus Resources section of this policy for specific contact information.

- The duties and responsibilities of the Title IX and Deputy Title IX Coordinators include training, education and climate checks, as well as the oversight of procedures that promptly and equitably eliminate sexual harassment, prevent its reoccurrence and address its effects on individuals and the PCI community. The Title IX and Deputy Title IX Coordinators must comply with all the mandatory response obligations by promptly contacting the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- Follow a grievance process that complies with the Title IX Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
- Must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, as a way of responding in a non-deliberately indifferent manner.
- Overseeing the investigation and resolution of all reports of sexual misconduct;
- Meeting with any individual, whether a complainant, respondent or third party to discuss interim measures, resources and procedural options on and off campus;
- Ensuring prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint process;
- Conducting on-going and annual climate checks, tracking, and monitoring of sexual misconduct allegations on campus; and,
- Coordinating all training, education and prevention efforts.

2. Initial Assessment

PCI will address all reports of sexual misconduct. The Title IX or Deputy Title IX Coordinator will oversee the Title IX review process.

In every report of sexual misconduct, PCI, through the Title IX team member will make an initial assessment of any risk or harm to individuals or to the campus community and will take the steps necessary to address those risks. These steps will include the interim measures to provide for the safety of the individual and the campus community.

3. Investigation

The Title IX team member may determine if an investigation of the report of sexual misconduct should be conducted. This determination is based on a variety of factors, such as the complainant's wish to pursue disciplinary action, the risk posed to an individual or the campus community by not proceeding, and the nature of the allegation. The Title IX team member may designate an investigator of its choosing. Any investigator used by PCI, whether internal or external, must have specific training and experience investigating allegations of sexual misconduct. The investigator will coordinate the gathering of information from the complainant, respondent and any other individuals who may have information relevant to the determination. The investigator cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the school obtains that party's voluntary, written consent to do so.. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. In gathering such information, the investigator will comply with all applicable laws and PCI policies. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect.

Information gathered during the investigation will be used to evaluate the responsibility of the respondent, provide for the safety of the individual and PCI's campus community, and impose the remedies as necessary to address the effects of the alleged conduct. Any investigative report will serve as the foundation for all related resolution processes.

4. Hearings

For postsecondary institution recipients, the school's grievance process must provide for a live hearing:

a. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
b. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
c. At the request of either party, the recipient must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision- maker(s) and parties to simultaneously see and hear the party answering questions.
d. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross- examination or other question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
e. If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the school's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
f. If a party or witness does not submit to cross- examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
g. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
h. Schools must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

5. **Standard of Evidence**

Title IX Final Rule requires the school's grievance process to state whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty.

6. **Appeals**

A school must offer both parties an appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter.

7. **Informal Resolution**

Title IX retains a school's discretion to choose to offer informal resolution options, if both parties give voluntary, informed, written consent.

a. A school may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints.
b. At any time prior to agreeing to a resolution, any party has the right to withdraw from informal resolution and resume the grievance process with respect to the formal complaint.
c. Schools must not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

8. **Time Frame for Resolution**

The investigation and resolution (including appeal) of all reports will generally be completed within sixty (60) to ninety (90) working days. Extenuating circumstances including the complexity and severity of a complaint may arise that require the complaint process to extend beyond that. In general, a complainant and respondent can expect to receive periodic updates as to the status of the review or investigation.

In the event that the investigation and resolution exceed this time frame, PCI will notify all parties of the need for additional time and best efforts will be made to complete the process in a timely manner.

9. **Applicability of Procedures**

a. These procedures are applicable to all PCI campuses and subsidiaries. PCI reserves the right to modify this policy or the procedures at any time.
b. The procedures are intended to provide guidance to the Executive Directors for implementing PCI's sexual misconduct policy; these procedures do not create any rights or privileges on the part of any others.