

Keystone Technical Institute

Campus Sexual Misconduct Policies

INTRODUCTION

Keystone Technical Institute (KTI) is committed to providing an environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive or disrupting, including sexual harassment, sexual discrimination and sexual misconduct. Action, words, jokes or comments based on an individual's sex, sexual orientation, including but not limited to, sexual assault, domestic violence, dating violence and stalking will be addressed by the school's administration.

SCOPE OF POLICY

This policy applies to all students, staff, faculty, guests, regardless of sexual orientation or gender identity on campus or participating in a KTI-sanctioned activity off campus. Keystone Technical Institute defines campus as the (a) 8 acres and the single facility of the main location located at 2301 Academy Drive, Harrisburg, PA 17112 and (b) the 2.8 acres and the individual suites occupied by KTI at 5700 Linglestown Road, Harrisburg, PA 17112.

For reporting purposes under the Clery Act Crime Statistics, the reporting area includes to the middle of Academy Drive where it borders the main location campus property; to the middle of Linglestown Road where Linglestown Road borders the main location campus property; to the middle of the unpaved alley along the East property line of the main location campus.

The reportable area for 5700 Linglestown Road is limited to the property, the facility and the entrance road from Linglestown Road.

This policy also applies during any approved off-campus activity that is supervised by KTI personnel or that KTI personnel are participating in.

This is an institutional policy and does not take the place of any legal action that may be taken by individuals or law enforcement. Keystone Technical Institute will only investigate claims of violations of this policy and not what would be considered a violation of the legal community such as State laws.

CONFIDENTIALITY POLICY

Reporting and Confidentially Disclosing Sexual Violence: Know the Options

Keystone Technical Institute encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so KTI can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Other employees may talk to a victim in confidence, and generally only report to KTI that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a KTI investigation into an incident against the victim's wishes.

- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called “RESPONSIBLE EMPLOYEES”) constitutes a report to KTI – and generally obligates KTI to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. Keystone Technical Institute encourages victims to talk to someone identified in one or more of these groups.

The Options

Privileged and Confidential Communications

Keystone Technical Institute does not employ any professionals, counselors or pastoral counselors and all such services are through recommended third-party agencies or facilities.

- *Professional and Pastoral Counselors*
Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim’s permission. **Keystone Technical Institute does not have any individuals that meet this definition.** Following is the contact information for non-KTI individuals or agencies that are able to provide access to licensed professionals:
 - YWCA Rape Crisis Services, (717) 238-7273
 - Sexual Assault Resource Counseling Center of Lebanon and Schuylkill County, (717) 272-5308
 - Sexual Assault/Rape Crisis Services of Cumberland County, (717) 258-4324
 - YWCA York: Victim Assistance Center, (717) 854-3131
 - PinnacleHealth Harrisburg Hospital (Emergency Room), (717) 782-5533
 - Sexual Assault Nurse Examiner (SANE)
 - Rape Kit
- *Non-professional Counselors and Advocates*
Keystone Technical Institute employees not classified as a “RESPONSIBLE EMPLOYEE,” can generally talk to a victim without revealing any personally identifying information about an incident to KTI. A victim can seek assistance and support from these individuals without triggering a KTI investigation that could reveal the victim’s identity or that the victim has disclosed the incident.

While maintaining a victim’s confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem,

and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator. **Keystone Technical Institute does not employ non-professional counselors and/or advocates, although the Title IX Coordinator and the Deputy Title IX Coordinators may assist as an informal advocate to assist in locating a non-professional counselor or advocate suitable to the individual.**

A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, KTI will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these professional counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These professional counselors and advocates will provide the victim with assistance if the victim wishes to do so.

NOTE: While these professional and non-professional counselors and advocates may maintain a victim's confidentiality vis-à-vis KTI, they may have reporting or other obligations under state law.

ALSO NOTE: If KTI determines that the alleged perpetrator(s) pose a serious and immediate threat to the KTI community, the President who serves as Campus Security Authority, may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

Reporting to "RESPONSIBLE EMPLOYEES"

A "RESPONSIBLE EMPLOYEE" is a KTI employee who has the authority to address sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a "RESPONSIBLE EMPLOYEE" about an incident of sexual violence, the victim has the right to expect KTI to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A "RESPONSIBLE EMPLOYEE" must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that KTI will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a “RESPONSIBLE EMPLOYEE” will be shared only with people responsible for handling KTI’s response to the report. A “RESPONSIBLE EMPLOYEE” should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

The following employees (or categories of employees) are KTI’s “RESPONSIBLE EMPLOYEES”:

(REVISED 3/16/2016)

- President
- Vice President
- Vice President for Student Affairs
- Director of Admissions
- Director of Education
- Director of Student Services
- Assistant Director of Education
- Faculty – Instructors
- Financial Aid Staff
- Student Services Staff

Before a victim reveals any information to a “RESPONSIBLE EMPLOYEE”, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the “RESPONSIBLE EMPLOYEE” what happened but also maintain confidentiality, the employee should tell the victim that KTI will consider the request, but cannot guarantee that KTI will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the “RESPONSIBLE EMPLOYEE” will also inform the Coordinator of the victim’s request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for KTI to fully investigate an incident. By the same token, “RESPONSIBLE EMPLOYEES” will not pressure a victim to make a full report if the victim is not ready to.

Requesting Confidentiality From KTI: How KTI Will Weigh the Request and Respond

If a victim discloses an incident to a “RESPONSIBLE EMPLOYEE” but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, KTI must weigh that request against the KTI’s obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If KTI honors the request for confidentiality, a victim must understand that KTI’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when KTI may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

Keystone Technical Institute has designated the following individual(s) to evaluate requests for confidentiality once a "RESPONSIBLE EMPLOYEE" is on notice of alleged sexual violence:

- David W. Snyder, President

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, David W. Snyder will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same alleged perpetrator;
 - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether KTI possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead KTI to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, KTI will likely respect the victim's request for confidentiality.

If KTI determines that it cannot maintain a victim's confidentiality, KTI will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling KTI's response.

Keystone Technical Institute will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or KTI employees, will not be tolerated. Keystone Technical Institute will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance off campus (see portion of policy identifying these);

- provide other security and support, which could include issuing a no-contact order, changing work arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so.

Keystone Technical Institute may not require a victim to participate in any investigation or disciplinary proceeding.

Because KTI is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt KTI to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If KTI determines that it can respect a victim’s request for confidentiality, KTI will also take immediate action as necessary to protect and assist the victim.

Miscellaneous

Off-campus Counselors and Advocates

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

Following is contact information for these off-campus resources:

- YWCA Rape Crisis Services, (717) 238-7273
- Sexual Assault Resource Counseling Center of Lebanon and Schuylkill County, (717) 272-5308
- Sexual Assault/Rape Crisis Services of Cumberland County, (717) 258-4324
- YWCA York: Victim Assistance Center, (717) 854-3131
- PinnacleHealth Harrisburg Hospital (Emergency Room), (717) 782-5533
 - Sexual Assault Nurse Examiner (SANE)
 - Rape Kit

NOTE: While these off-campus counselors and advocates may maintain a victim’s confidentiality vis-à-vis KTI, they may have reporting or other obligations under state law.

OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT

Immediate Assistance

- A. Keystone Technical Institute has Title IX trained personnel to whom a victim of sexual misconduct can contact on campus. They are:

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- President (Title IX Coordinator): David W. Snyder (717) 545-4747, x110
- Director of Education: Jason Karmann (717) 545-4747, x150
- Director of Student Services: Lisa Seifert (717) 545-4747, x152
- Director of Admissions: Michael Bernhardt (717) 545-4747, x131
- Vice President for Student Affairs: Matt Mann (717) 545-4747, x120

The above on-campus contact will assist in the navigation and providing options to victims of sexual misconduct.

- B. Off-campus advocates and counselors for victims of sexual misconduct are:
- YWCA Rape Crisis Services, (717) 238-7273
 - Sexual Assault Resource Counseling Center of Lebanon and Schuylkill County, (717) 272-5308
 - Sexual Assault/Rape Crisis Services of Cumberland County, (717) 258-4324
 - YWCA York: Victim Assistance Center (717) 854-3131
- C. Keystone Technical Institute does not provide on campus security in the form of a safety department, campus police or first responders. Keystone Technical Institute has off-campus contacts for these resources in the form of Public Service Agencies and they are:
- Police: Lower Paxton Township Police (717) 657-5656
 - 911 Emergency
 - First Responders: 911
- D. Keystone Technical Institute does not have a Sexual Assault Response Team (SART) but through the Title IX Coordinator, Deputy Title IX Coordinators and the “RESPONSIBLE EMPLOYEES” reported, KTI will assist the victim of sexual misconduct through the process of reporting and navigating the off-campus resources.
- E. Keystone Technical Institute does not provide any healthcare services. Any healthcare needs must be acquired by an off-campus resource. KTI will:
1. Ensure the victim is aware of the option to seek treatment for injury, preventative treatment for sexually transmitted diseases and other health services.
 2. Discuss the option of seeking medical treatment in order to preserve evidence.
 3. Identify where/how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE).
 4. Since KTI does not provide any on-campus advocates, KTI does suggest the following agencies that can provide such:
 - YWCA Rape Crisis Services, (717) 238-7273
 - Sexual Assault Resource Counseling Center of Lebanon and Schuylkill County, (717) 272-5308

- Sexual Assault/Rape Crisis Services of Cumberland County, (717) 258-4324
- YWCA York: Victim Assistance Center (717) 854-3131
- PinnacleHealth Harrisburg Hospital (Emergency Room), (717) 782-5533
 - Sexual Assault Nurse Examiner (SANE)
 - Rape Kit

On-going Assistance

A. Counseling, Advocacy and Support for On- and Off-Campus

1. Keystone Technical Institute does not employ any counseling personnel; therefore, does not provide counseling on campus. Keystone Technical Institute will provide support of a victim of sexual misconduct through the:

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- Title IX Coordinator
- President
- Vice President for Student Affairs

Keystone Technical Institute also recommends the following off-campus agencies that provide counseling, victim advocacy and support:

- YWCA Rape Crisis Services, (717) 238-7273
 - Sexual Assault Resource Counseling Center of Lebanon and Schuylkill County, (717) 272-5308
 - Sexual Assault/Rape Crisis Services of Cumberland County, (717) 258-4324
 - YWCA York: Victim Assistance Center (717) 854-3131
 - PinnacleHealth Harrisburg Hospital (Emergency Room), (717) 782-5533
 - Sexual Assault Nurse Examiner (SANE)
 - Rape Kit
2. The expectation of confidentiality during on-going assistance is the same as described in the confidentiality policy in the beginning of this policy.
 3. On-going assistance is made available to victims of sexual misconduct regardless of their decision to make an official report or participate in the institutions disciplinary or criminal process. The off-campus agencies listed above in section A can provide on-going support during the institutional disciplinary or criminal process. In the event of an institutional investigation, the Director of Student Services can provide support to the victim.

B. Academic Accommodations and Interim Measures

1. Available Interim Measures

Interim measures are those services, accommodations, or other assistance that KTI puts in place for victims after receiving notice of alleged sexual misconduct but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. We want students to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational opportunities. We also

want students to understand their reporting options and how to access available interim measures. Keystone Technical Institute encourages victims of sexual misconduct to report those incidents to KTI's Title IX Coordinator, Deputy Title IX Coordinators or any "RESPONSIBLE EMPLOYEE" with whom the victim feels comfortable. Keystone Technical Institute recognizes that sexual violence is traumatic and may leave victims feeling overwhelmed and confused. This policy seeks to provide clear guidance regarding available resources and who can help in securing them.

Upon receiving a report of sexual misconduct, KTI will provide the victim, or the victim's counselor or advocate, with a written explanation of the interim measures available on campus and through local community resources (YWCA Rape Crisis Services) and shall ask victims, or their counselors or advocates, what measures are sought. Some possible interim measures are listed below, and KTI determines which measures are appropriate for a particular victim on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep victims safe and ensure their equal access to educational programs and activities. If the victim or advocate identifies an interim measure that is not already provided by KTI, KTI will consider whether the request can be granted. In those instances where interim measures affect both a victim and the alleged perpetrator, KTI will minimize the burden on the victim wherever appropriate.

A victim of sexual misconduct, or the victim's counselor or advocate, may request the interim measures listed below. Keystone Technical Institute – after consulting with the victim or the victim's counselor or advocate – will determine which measures are appropriate to ensure the victim's safety and equal access to educational programs and activities:

- Academic accommodations (for additional information, see below)
- Assistance in arranging for alternative KTI employment arrangements and/or changing work schedules
- A "No contact" directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another [This is not a Protection From Abuse (PFA) order]
- Providing an escort to ensure that the student can move safely between school programs and activities
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services

Keystone Technical Institute will work with victims or their counselors or advocates to identify what interim measures are appropriate in the short term (e.g., during the pendency of an investigation or other school response), and will continue to work collaboratively throughout KTI's process and as needed thereafter to assess whether the

instituted measures are effective, and if not, what additional or different measures are necessary to keep the victim safe.

As explained below, when a victim's counselor or advocate requests any of the above measures on the victim's behalf without disclosing that sexual misconduct is the basis for the request, KTI will consider these requests for supportive measures consistent with its general policy of allowing counselors and advocates to seek such measures for victims of trauma without requiring that the nature of the trauma be disclosed.

2. Academic Accommodations

Academic accommodations are one type of interim measure that KTI may provide to a victim after receiving notice of alleged sexual misconduct to ensure that the victim is safe and can continue to access educational opportunities following alleged sexual misconduct. To address the possible adverse effects of sexual misconduct on a victim's academics, it may be possible to secure time-limited academic accommodations, such as rescheduling an exam. If the victim experiences persistent academic difficulties as a result of the sexual misconduct (e.g., including difficulties stemming from anxiety, depression, post-traumatic stress disorder or any other mental or physical illnesses or injuries), the victim may request more long-term academic accommodations, such as a temporary withdraw from school. If the victim does not have a treating provider but is suffering from health-related issues such as those identified above, the student should contact David W. Snyder, President to be connected with an appropriate off-campus resource.

Victims of sexual misconduct, or the victim's counselor or advocate, may request the following academic accommodations as interim measures. Keystone Technical Institute – after consulting with the victim or the victim's counselor or advocate – will determine which accommodations are appropriate to ensure the student's safety and equal access to educational programs and activities. Requests for academic accommodations may include assistance in:

- Transferring to another section of a lecture or laboratory
- Rescheduling an academic assignment or test
- Accessing academic support (e.g., tutoring)
- Arranging for incompletes, withdrawal from school, or withdraw with a re-entry plan
- Preserving eligibility for academic or other scholarships, financial aid and internships

3. Options for Requesting Interim Measures or Supportive Measures

Keystone Technical Institute offers victims of sexual misconduct two options for reporting the misconduct and requesting interim measures required by Title IX. The first option allows the victim to report the misconduct to a KTI employee whom KTI has

designated as responsible for receiving and/or responding to reports of sexual misconduct (“RESPONSIBLE EMPLOYEE”, Deputy Title IX Coordinator or Title IX Coordinator). Requests for interim measures will be evaluated and decided on by the Title IX Coordinator or his delegate.

The second option allows a victim who has not reported the misconduct to a “RESPONSIBLE EMPLOYEE” to disclose the misconduct to a professional counselor, non-professional counselor, or victim advocate who in turn can request interim measures on the victim’s behalf from KTI. Under the second option, victims should be aware that when a counselor or advocate requests interim measures on their behalf from the Title IX Coordinator of KTI and discloses that the reason for the request is sexual misconduct, the request may trigger KTI’s Title IX obligation to investigate. To the extent the counselor or advocate makes such a disclosure, but, consistent with the victim’s wishes, asks that KTI not investigate or otherwise notify the alleged perpetrator of the report, the Title IX Coordinator will consider whether it can honor the request while still providing a safe and nondiscriminatory environment for all students, as set forth in KTI’s Confidentiality Policy, and take interim measures to protect the victim as necessary.

a) Option 1: Victims Who Report Sexual Misconduct to a “RESPONSIBLE EMPLOYEE”

Reports of sexual misconduct to “RESPONSIBLE EMPLOYEES” will be forwarded to the Title IX Coordinator who will determine what steps need to be taken. Generally, KTI will investigate the report to determine what occurred and KTI will provide interim measures during the investigative process and any disciplinary process. However, for victims who report sexual misconduct to “RESPONSIBLE EMPLOYEES” but request that KTI not pursue an investigation or otherwise keep their report confidential (e.g., from the perpetrator), the Title IX Coordinator will consider whether it can honor the victim’s request while still providing a safe and nondiscriminatory environment for all students. For more information on confidentiality, please see KTI’s Confidentiality Policy. Whether the Title IX Coordinator decides that KTI can honor the confidentiality request or must pursue an investigation, the Title IX Coordinator (or designee) will inform the victim of available interim measures and coordinate appropriate interim measures for the victim.

b) Option 2: Victims Who Disclose Sexual Misconduct to Professional Counselors, Non-Professional Counselors, and Victim Advocates

Keystone Technical Institute recognizes that counselors and victim advocates are often in a unique position to know when and what interim measures or supportive measures would be most appropriate to address a victim’s health and safety needs. For this reason, victims who disclose incidents of sexual misconduct to their counselors or victim advocates

should discuss whether to have the counselor or advocate report the misconduct to KTI and request interim measures required by Title IX. The counselor or advocate will explain how sharing certain information with “RESPONSIBLE EMPLOYEES” may trigger KTI’s Title IX obligation to investigate.

Interim Measures: A counselor or advocate may request that KTI provide interim measures to a victim of sexual misconduct to protect the victim and ensure the victim’s equal access to KTI’s educational programs and activities before the final outcome of any investigation. The counselor or advocate may ask a victim who is seeking interim measures to sign a release specifying the information that may be shared with KTI. After the counselor or advocate informs KTI that sexual misconduct is the basis for the request for interim measures, KTI will work with these individuals to investigate the alleged sexual misconduct and determine what interim measures are appropriate. For example, the counselor or advocate may ask the Title IX Coordinator to arrange academic accommodations for the victim.

Keystone Technical Institute encourages victims of sexual misconduct to report the incident(s) and to seek help under the option above with which they feel most comfortable. If you have any questions about available interim measures or supportive measures, please contact David W. Snyder, President

TITLE IX COORDINATOR

Role of the Title IX Coordinator

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education’s implementing regulations at 34 C.F.R. Part 106, KTI’s Title IX Coordinator has primary responsibility for coordinating KTI’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of KTI, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX Coordinator oversees KTI’s response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so KTI can address issues that affect the wider school community.

A student should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- seek information or training about students’ rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct,
- file a complaint or make a report of sex discrimination, including sexual misconduct,

- notify KTI of an incident or policy or procedure that may raise potential Title IX concerns,
- get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct, and
- ask questions about KTI's policies and procedures related to sex discrimination, including sexual misconduct.

Keystone Technical Institute's Title IX Compliance Team includes:

(REVISED 3/16/2016)

Title IX Coordinator

David W. Snyder, President

Deputy Title IX Coordinators

Matt Mann, Vice President for Student Affairs

Jason Karmann, Director of Education

Lisa Seifert, Director of Student Services

Michael Bernhardt, Director of Admissions

David W. Snyder is KTI's Title IX Coordinator and can be reached in person at Keystone Technical Institute, 2301 Academy Drive, Harrisburg, PA 17112 on the third floor near the patio entrance/exit, by telephone at (717) 545-4747, x110 or by email at dsnyder@kti.edu.

KTI's Deputy Title IX Coordinators can be reached at:

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- Matt Mann, Vice President for Student Affairs can be reached in person at Keystone Technical Institute, 2301 Academy Drive, Harrisburg, PA 17112, by telephone at (717) 545-4747, x120 or by email at mmann@kti.edu
- Jason Karman, Director of Education can be reached in person at Keystone Technical Institute, 2301 Academy Drive, Harrisburg, PA 17112, by telephone at (717) 545-4747, x150 or by email at jkarmann@kti.edu
- Lisa Seifert, Director of Students Services can be reached in person at Keystone Technical Institute, 2301 Academy Drive, Harrisburg, PA 17112, by telephone at (717) 545-4747, x152 or by email at lseifert@kti.edu
- Michael Bernhardt, Director of Admissions can be reach in person at Keystone Technical Institute, 2301 Academy Drive, Harrisburg, PA 17112, by telephone at (717) 545-4747, x131 or by email at mbernhardt@kti.edu

The Title IX Coordinator has the primary responsibilities in all matters concerning Title IX issues. The Deputy Title IX Coordinators are to be contacted with the event the Title IX Coordinator is unavailable.

KTI's Chief of Campus Safety, David W. Snyder, President can be reached in person at Keystone Technical Institute, 2301 Academy Drive, Harrisburg, PA 17112 on the third floor near the patio entrance/exit, by telephone at (717) 545-4747, x110 or by email at dsnyder@kti.edu.

In the event that the incident, policy, or procedure about which the student seeks to file a report or complaint creates the appearance of a conflict of interest with one of the members of the Title IX Compliance Team, students or employee may contact any other member of the team or notify David W. Snyder, President.

Inquiries or complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights, which can be reached at [contact information for regional office: <https://wdcrobcolp01.ed.gov/cfapps/OCR/contactus.cfm>] or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): <http://www.justice.gov/crt/complaint/#three>.

Functions and Responsibilities of the Title IX Coordinator

The Title IX Coordinator's functions and responsibilities include the following:

(1) Training for Students, Faculty, and Staff

The Title IX Coordinator provides or facilitates ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff, including:

- regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate KTI officials, and the extent to which counselors and advocates may keep a report confidential, and
- regular training for students outlining their rights under Title IX; with regard to sexual misconduct, this training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to "RESPONSIBLE EMPLOYEES", local law enforcement, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the employees who must report incidents to the Title IX Coordinator, and Title IX's protections against retaliation.

(2) Investigations

Keystone Technical Institute is responsible for conducting adequate, reliable, and impartial investigations of reports and complaints of sexual misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct,
- appointing an investigative team upon such determination,
- making certain that individual reports and complaints are handled properly and in a prompt and timely manner,

- informing all parties regarding the grievance process,
- confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal, if applicable,
- maintaining information and documentation related to the investigation in a secure manner, and
- monitoring compliance with timeframes specified in the grievance procedures.

The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of KTI's responsibility to provide a safe and nondiscriminatory environment for all students. [See KTI's Confidentiality policy contained within this document.]

(3) Remedies, Including Interim Measures

Upon learning of a report or complaint of sexual misconduct, the Title IX Coordinator promptly takes steps to ensure the complainant's equal access to KTI's programs and activities and protect the complainant as necessary. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of investigation, and making the complainant aware of all available resources, including academic support. [See KTI's Interim Measures policy contained within this document.]

Upon a finding of prohibited sexual misconduct, the Title IX Coordinator determines whether campus-wide remedies should be adopted in response, including review and revision of KTI's sexual misconduct policies, increased monitoring, supervision or security at locations where sexual misconduct is reported to occur, and increased education and prevention efforts, including to targeted populations.

If KTI's review panel finds that an individual engaged in prohibited sexual misconduct, the Title IX Coordinator reviews proposed sanctions before they are imposed to ensure that they, along with the KTI's interim and long-term measures taken in response to the sexual misconduct, are reasonably calculated to stop the sexual misconduct and prevent its recurrence.

(4) Monitoring and Advising

In order to address sexual misconduct on campus and ensure ongoing compliance with Title IX, the Title IX Coordinator:

- coordinates an annual climate survey, in consultation with research personnel with expertise in survey design and data collection and analysis,
- analyzes data collected by the annual climate survey to assess the rates and nature of sexual misconduct, any location hot-spots or risk factors, knowledge of KTI's sexual misconduct policies, procedures and resources, and the consequences of violating such policies, and the effectiveness of KTI's efforts to ensure that KTI is free from sexual misconduct,
- reviews regularly all reports and complaints raising potential Title IX issues throughout KTI to ensure that KTI responded consistent with its Title IX obligations, even if the report or complaint was initially filed or raised with another individual,

- reviews regularly all reports and complaints raising potential Title IX issues throughout KTI to identify and address any patterns,
- reviews regularly KTI's policies and procedures to ensure that they comply with the requirements of Title IX,
- organizes and maintains files related to grievances, reports, complaints, and other records of potential sex discrimination, including sexual misconduct, in a secure manner,
- assesses regularly KTI's compliance with, and the effectiveness of, policies and procedures related to sex discrimination, including sexual misconduct, and recommends modifications where appropriate,
- coordinates regularly with KTI's Clery Act Compliance Officer with respect to overlapping obligations related to sexual misconduct against students, including prevention, education, and training,
- consults regularly with KTI President and campus stakeholders to promote campus-wide awareness and discussion of Title IX-related issues, and develop and implement any modifications of policies and procedures to prevent and eliminate sex discrimination, including sexual misconduct, and
- ensures that appropriate policies and procedures are in place for working with local law enforcement and coordinating with local victim advocacy organizations and service providers, including rape crisis centers.

DEFINITIONS

Prohibited Conduct

The two forms of prohibited conduct below cover both sex-based harassment, including but not limited to sexual harassment, sexual assault, and sexual exploitation, as well as harassment based on gender identity, gender expression, and nonconformity with gender stereotypes. Sample definitions for *italicized* terms in the two provisions are offered in the next section. In addition, in the sample definitions, terms that are further defined are also *italicized*.

1. No person may engage in *sex-based harassment* that creates a *hostile environment* in or under any program or activity of KTI.
2. No person who is an employee or agent of KTI (including a student employee) may condition a decision or benefit on a student's submission to *sex-based harassment* (regardless of whether the student resists and suffers the threatened harm or submits and avoids the threatened harm).

Definitions

A. Sex-Based Harassment

"Sex-based harassment" includes *sexual harassment* and *gender-based harassment*.

B. Sexual Harassment

"Sexual harassment" is *unwelcome conduct* of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of

a sexual nature, including *rape*, *sexual assault*, and *sexual exploitation*. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

C. Gender-Based Harassment

“Gender-based harassment” is *unwelcome conduct* of a nonsexual nature based on a student’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

D. Unwelcome Conduct

Conduct is considered “unwelcome” if the student did not request or invite it and considered the conduct to be undesirable or offensive.

Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.

Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a student may have welcomed some conduct does not necessarily mean that a student welcomed other conduct. Also, the fact that a student requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

E. Hostile Environment

A “hostile environment” exists when *sex-based harassment* is sufficiently serious to deny or limit the student’s ability to participate in or benefit from KTI’s programs or activities.

A hostile environment can be created by anyone involved in a KTI program or activity (*e.g.*, administrators, faculty members, students, and campus visitors).

In determining whether *sex-based harassment* has created a hostile environment, KTI considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was *unwelcome* to the student who was harassed. But KTI will also need to find that a reasonable person in the student’s position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for a student or students, KTI considers a variety of factors related to the severity, persistence, or pervasiveness of the *sex-based harassment*, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more student’s education.

The more severe the *sex-based harassment*, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of *sexual assault* may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the *sex-based harassment* is not particularly severe.

First Amendment Considerations

This policy does not impair the exercise of rights protected under the First Amendment. Keystone Technical Institute's sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, KTI applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.

F. Sexual Assault

"Sexual assault" is actual or attempted sexual contact with another person without that person's *consent*. Sexual assault includes, but is not limited to:

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

G. Consent

"Consent" must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

H. Sexual Exploitation

“Sexual exploitation” occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include:

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

Domestic Violence

Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. Domestic Violence is currently not specifically defined by Pennsylvania state statute, however family abuse is. Abuse is defined as the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. §2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services)
- (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

Dating Violence

Means violence committed by a person – (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors:

- (1) The length of the relationship.
- (2) The type of relationship.
- (3) The frequency of interaction between the persons involved in the relationship.

Dating Violence is currently not specifically defined by Pennsylvania state statute.

Stalking

Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. A person commits the crime of stalking when the person either:

- (1) Engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- (2) Engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

Retaliation

Retaliation means any adverse action taken by a member of the KTI faculty, staff, or student body against any individual on the basis of a Good Faith Report made by such individual, or on the basis of such individual’s participation in an investigation, hearing, or inquiry by KTI or an Appropriate Authority, or participation in a court proceeding relating to suspected Wrongful Conduct at KTI.

Bullying

Intentional electronic, written, verbal or physical act, or a series of acts that is severe, persistent or pervasive; and has the effect of doing any of the following: (a) substantially interfering with a student’s education or employee’s performance, (b) creating a threatening environment; or (c) substantially disrupting the orderly operation of KTI. For additional information, refer to KTI’s Bullying Policy.

REPORTING PROCEDURES AND PROTOCOLS

Informal Resolution of Sexual Misconduct or Sexual Harassment

Employees or students who believe they are victims of sexual harassment or misconduct have the option of proceeding informally or formally. Informal resolution may be appropriate if the conduct is isolated or non-threatening. *Informal resolution is not an option for cases of sexual assault, including sexual or inappropriate touching of any kind.*

If one chooses to proceed informally, the employee or student should contact the Title IX Coordinator or one of the Deputy Title IX Coordinator to report the sexual harassment or misconduct and specify they wish to proceed informally. Resolution at the informal complaint process will be mediated by the Title IX Coordinator, or his/her designee, and may include an agreement in which one or more of the parties involved agree to accept discipline in the form of a warning, censure, probation, or other such disciplinary action as may be warranted by the circumstances of each case.

To the extent the parties are able to achieve a satisfactory resolution of the complaint through the informal resolution process, the complaint will be considered resolved. The accused and accuser will receive written notification of the outcome and disposition of the complaint. The fact that a complaint of sexual harassment or misconduct may be concluded at the request of the accusing party does not preclude the filing of a formal complaint by others, including appropriate KTI officials.

In cases in which a mutually satisfactory informal resolution cannot be achieved, either the accused or the accuser may request in writing to advance the complaint to the formal complaint process. This request should be submitted in writing to the Title IX Coordinator within five (5) business days when either party is aware that a mutually satisfactory informal resolution cannot be achieved.

A. Formal Complaint Process

Every KTI employee is responsible for immediately reporting incidents of sexual misconduct which come to his/her attention to the Title IX Coordinator or a Deputy Title IX Coordinator. Students or third parties who witness, or are aware of suspected incidents of sexual misconduct are strongly encouraged to report the incident.

All individual complaints of sexual misconduct should be reported immediately to KTI's Title IX Coordinator or Deputy Title IX Coordinator. Complaints may be made directly in person to the Title IX Coordinator or in writing by completing the Sexual Misconduct Complaint Form and delivering the completed form to a "RESPONSIBLE EMPLOYEE" of KTI, who, then, shall report the incident to the Title IX Coordinator.

B. Accordance with the Clery Act

Keystone Technical Institute is obligated to report any claims of sexual assault, domestic violence, dating violence and stalking that takes place on campus in our Annual Campus Security Report. These claims are reported numerically by classification and no personal data is reported.

C. Timely Warning Reports

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, Administration issues a “Timely Warning.” Administration will generally issue a Timely Warning for the following crimes: arson; aggravated assault; criminal homicide; robbery; burglary; sex assaults; and hate crimes. Administration will post these warnings through a variety of ways, including but not limited to posters, emails, and SchoolCast. Keystone Technical Institute also has the ability to send text message alerts to those who register their cell phone numbers. The text messaging can be a very effective way to send important information to the campus community.

The purpose of these Timely Warnings is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. Keystone Technical Institute will issue Timely Warnings whenever the following criteria are met: (1) a crime is committed; (2) the perpetrator has not been apprehended; and (3) there is a substantial risk to the physical safety of other members of the campus community because of this crime. Such crimes include, but are not limited to: (1) Clery Act crimes that are reported to any authority or the local police; or (2) KTI determines that the incident represents an ongoing threat to the campus community.

Additionally, Administration may, in some circumstances, issue Timely Warnings when there is a pattern of crimes against persons or property. Keystone Technical Institute shall make the determination that a Timely Warning is required. Timely Warnings in relation to off-campus crimes, warning shall be issued as stated in the above circumstances if the crime occurred in a non-KTI owned property but is a location which is within the Clery Act defined reporting area. The school President will determine if KTI will issue warnings in these cases.

D. Anonymous Reporting

If you are interested in reporting a crime or act of sexual misconduct anonymously, you can call and leave a voicemail at (717) 545-4747, x110 or send an email to dsnyder@kti.edu. It is not the policy of KTI to trace the origin of the report unless such is deemed necessary for public safety. You may also report crimes through Pennsylvania Crime Stoppers at 1-800-4-PA-TIPS.

E. Amnesty/Immunity for Alcohol or Drug Violations

Keystone Technical Institute recognizes that individuals with information about sexual misconduct may hesitate to come forward out of fear that their own actions are violations of KTI’s policy related to the use of drugs and alcohol. While KTI does not condone violations of its policy, it considers reporting incidents of sexual misconduct to be of paramount importance.

Keystone Technical Institute will generally extend immunity for alcohol or substance abuse violations and other school policies to victims and potential witnesses in order to facilitate reporting and resolution of sexual misconduct.

INVESTIGATION PROCEDURES AND PROTOCOLS

Title IX Coordinator Roles and Responsibilities

See Title IX Coordinator section earlier in this policy.

Deputy Title IX Coordinator Roles and Responsibilities

The Deputy Title IX Coordinator may fill in for the Title IX Coordinator in his/her absence. They also serve on the Title IX Compliance Team.

Timeline for Process

Keystone Technical Institute will make every effort to investigate a complaint or report promptly through the process so long as such speed does not interfere with the quality of the investigation. Reports of sexual misconduct will be adjudicated within 60 calendar days of the date that the Title IX Coordinator is notified of the complaint, unless there are extenuating circumstances (i.e. uncooperative witness, break periods and periods when KTI is closed).

The Title IX Coordinator will comply with law enforcement requests for cooperation and such cooperation may require the Title IX Coordinator to temporarily suspend the fact-finding aspect of the investigation while law enforcement is in the process of gathering evidence. Keystone Technical Institute promptly will resume its investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process.

Preliminary Investigation

Upon receiving a complaint or report of sexual misconduct, the Title IX Coordinator has the initial responsibility of determining whether there is sufficient evidence of a violation of KTI's sexual misconduct policy which would justify proceeding with a formal investigation. The Title IX Coordinator shall make this initial preliminary investigation within ten (10) business days of receiving a complaint.

If the Title IX Coordinator finds (a) that the facts in the complaint or the report, even if taken as true, do not constitute a violation of KTI's sexual misconduct policy; or (b) the complaint fails to assert facts that suggest sexual misconduct; or (c) the appropriate resolution or remedy has already been achieved, the Coordinator shall close the investigation and notify the Complainant of the findings and that the matter is closed.

If the Title IX Coordinator finds sufficient evidence of a violation of KTI's Sexual Misconduct Policy, a formal investigation will be initiated.

Formal investigation

The Title IX Coordinator shall notify the Complainant when the formal investigation commences and provide a tentative time frame for the completion of the investigation and the decision. The Title IX Coordinator shall also prepare and send notice of the complaint to the Respondent (individual accused of the misconduct), which will include the tentative time frame for the completion of the investigation and the decision.

The Complainant and the Respondent may have one adviser of their own choosing present for support and consultation during the investigation at any time the respective party is meeting with the Title IX Coordinator or the Deputy Investigators.

During the investigation, the Title IX Coordinator shall by himself/herself and/or with the aid of one or more of the Title IX Deputy Investigators collect all evidence relating to the complaint or report of sexual misconduct from all available sources. Title IX Deputy Investigators may include Title IX Deputy Coordinators, members of law enforcement, members of a rape crisis center or others trained in the area of sexual misconduct. Interviews of the parties and any witnesses, if applicable, will be conducted. Each person interviewed will be asked to write his or her statement or sign a summary drafted by the investigator based upon the information given during the interview. Upon completion of the formal investigation, the Title IX Coordinator shall make a factual finding, based upon a preponderance of the evidence, as to whether or not a violation occurred and will prepare a written report in conformity with those findings.

If there is a finding of no violation of KTI's Sexual Misconduct Policy, the process is concluded. The Title IX Coordinator will give written notice of the findings and termination of the proceedings to the Complainant, Respondent, and appropriate School Administrators.

If there is a finding of a violation of KTI's Sexual Misconduct Policy, the President of KTI will determine the appropriate sanction(s) to be imposed.

Burden of Proof

As noted, the standard of evidence for determining whether a violation occurred, specifically when investigating alleged domestic violence, data violence, sexual assault, and stalking, is "preponderance of evidence."

Sanctions

The following matrix shall guide the Title IX Coordinator in determining sanctions and provide notice to the School community of the possible sanctions for an individual who is found responsible under this policy. **This matrix only provides guidance and is not meant to be exclusive as to other sanctions that can be imposed.**

Additionally, prior disciplinary actions of a same or similar nature against an individual may be taken into consideration when imposing sanctions. The sanctions of dismissal, suspension, and probation may apply to academic enrollment, participation in campus activities and organizations.

Prohibited Behavior/Conduct	Range of Sanctions
Sexual Misconduct Constituting of Sexual Assault	Dismissal/Termination
Sexual Misconduct Not Constituting Sexual Assault	Dismissal/Termination Suspension Probation
Unwanted Sexual Touching	Dismissal/Termination Suspension Probation Community Service Educational/Counseling Consultation
Non-physical Sexual Harassment	Dismissal/Termination Suspension Probation Community Service Educational/Counseling Consultation
Discrimination	Dismissal/Termination Suspension Probation Community Service Educational/Counseling Consultation
Retaliation False Allegations	Dismissal/Termination Suspension Probation Community Service Educational/Counseling Consultation

Notification of the Outcome

Once the Title IX Coordinator decides upon an appropriate sanction, the Title IX Coordinator shall notify the Complainant and Respondent in writing of the outcome of the investigation by email to the parties’ KTI email account or by U.S. Mail. The notification shall include a summary of the investigative findings, the sanction(s) to be imposed, if applicable, and each party’s right to appeal. The form of notice shall be at the discretion of the Title IX Coordinator and shall be that which is determined to be the most expedient and reliable method of informing the parties.

Any disclosure to persons other than the parties deemed necessary shall be in accordance with all applicable federal and state laws, including FERPA with regard to students.

Any sanction imposed may be suspended pending appeal.

Appeals

A party aggrieved by a decision of the Title IX Coordinator or by the sanctions imposed may file a Petition for Appeal within five (5) business days of notification of the final outcome.

The appeal must be sent to the Title IX Coordinator in writing and state clearly what the grounds are that would justify consideration. General dissatisfaction with the outcome of the proceeding is not a basis for appeal. The written appeal must address one of the following criteria:

- An error in procedure, which prejudiced the process to the extent the participant was denied a fundamentally fair investigation as a result of the error. Only significant procedural errors that may have affected the decision or which relate to the sanction imposed will be considered.
- New evidence that was previously unknown and became available during the appeal process that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included with the notice of appeal.
- Sanctions imposed are not appropriate for the violation the individual(s) committed.
- Clearly demonstrated investigator bias.

An appeal which does not clearly raise one of these four criteria will be dismissed without further consideration.

After receiving a Petition for Appeal, the Title IX Coordinator shall inform the other party of the appeal and give the non-appealing party an opportunity to respond within five (5) business days.

After receipt of the Petition for Appeal and any response, the Title IX Coordinator shall notify the Title IX Team of KTI.

The President shall review the appeal and any response to determine if the appeal meets any of the limited grounds and is timely. Appeal decisions are to be deferential to the original investigation, making changes to the findings only if there is clear error and to the sanction only if there is a compelling justification to do so. The original finding and sanction will stand if the appeal is not timely or does not meet one of the stated grounds. The President will render a written decision on appeal to all parties within seven (7) business days from receipt of the appeal. The President's decision to deny appeal requests is final.

If the President determines that new evidence should be considered, he/she will return the complaint to the Title IX Coordinator and/or Title IX Deputies who conducted the original investigation to reconsider in light of the new evidence only, and the parties will be notified in writing accordingly. The Title IX Coordinator and/or Title IX Deputies shall conduct any supplemental investigation in accordance with the procedures set out above with proper notice and opportunity to be heard conveyed to the parties.

If the President determines that a material procedural error occurred, he/she may return the complaint to the Title IX Coordinator and/or Title IX Deputies who conducted the original investigation with instructions to cure the error. In rare cases, where the procedural error cannot be cured by the original

investigators (as in a case of bias), the President may order a new hearing on the complaint with new investigators. The results of a new investigation may be appealed.

If the President determines that the sanctions imposed are beyond the articulated sanctioning matrix, the President will return the complaint to the original Hearing Panel, who may then increase, decrease or otherwise modify the sanctions. This decision will be final. The Hearing Panel will provide notification to all parties and any appropriate University officials.

False Allegations

Keystone Technical Institute prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct. If an investigation results in a finding that a person who has accused another of sexual misconduct has acted maliciously or has recklessly made false accusations, the accuser will be subject to appropriate sanctions.

Protection Against Retaliation

Keystone Technical Institute prohibits retaliation against an individual for making a complaint of sexual misconduct, for resisting such behavior, or for otherwise using or participating in the complaint resolution process. Prohibited behavior includes any form of intimidation, threats, or harassment by the individual accused of misconduct or friends, family or other person acting in support or on behalf of that individual. Acts of retaliation are, by themselves, cause for disciplinary action. Concerns of retaliation should be communicated immediately to the Title IX Coordinator.

PREVENTION

Risk Reduction, Warning Signs of Abusive Behavior and Future Attacks

No victim is EVER to blame for being assaulted or abused. Unfortunately, studies show that a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to reduce the risk of a potential attack.

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone.)

7. Being monitored by your partner at home, work or school.
8. Being forced to do things you don't want to do.

Help Reduce Your Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Get help by contacting the YWCA for support services.
2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
3. Consider making a report with Title IX Coordinator and ask for a “no contact” directive from KTI to prevent future contact.
4. Consider getting a protection from abuse order or no contact order from a local judge or magisterial justice.
5. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
6. Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

Sexual Assault Prevention (From RAINN)

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from un-opened containers or from drinks you have watched being made and poured
- Avoid group drinks like punch bowls
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
- If you suspect you have been drugged, go to a hospital and ask to be tested
- Keep track of how many drinks you have had
- Try to come and leave with a group of people you trust
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/ her number instead of giving out yours

Traveling Around Campus (Walking)

- Make sure your cell phone is easily accessible and fully charged
- Be familiar with where emergency phones are installed on the campus
- Be aware of open buildings where you can use a phone
- Take major, public paths rather than less populated shortcuts
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone
- Carry a noisemaker (like a whistle) on your keychain
- Carry a small flashlight on your keychain

EDUCATION

Keystone Technical Institute will provide quarterly informational seminars on Sexual Misconduct prevention, detection and reporting. These seminars will be held for both day and evening students in the Student Activity Center. Educational pamphlets and flyers are located in the Learning Resource Center (LRC).

BYSTANDER

Everyone has a role to play in preventing sexual assault. There are many different ways that you can step in or make a difference if you see someone at risk. This approach to preventing sexual assault is referred to as “bystander intervention.”

How Can I Play a Role in Preventing Sexual Assault?

The key to keeping your friends safe is learning how to intervene in a way that fits the situation and your comfort level. Having this knowledge on hand can give you the confidence to step in when something isn’t right. Stepping in can make all the difference, but it should never put your own safety at risk.

A good friend knows how to CARE

Create a distraction

Ask directly

Refer to an authority

Enlist others

Create a Distraction

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

- Cut off the conversation with a diversion like, “Let’s get pizza, I’m starving,” or “This party is lame. Let’s try somewhere else.”
- Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about.
- Start an activity that is draws other people in, like a game, a debate, or a dance party.

Ask Directly

- Talk directly to the person who might be in trouble.
- Ask questions like “Who did you come here with?” or “Would you like me to stay with you?”

Refer to an Authority

Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like an RA or security guard.

- Talk to a security guard, bartender, or another employee about your concerns. It’s in their best interest to ensure that their patrons are safe, and they will usually be willing to step in.
- Don’t hesitate to call 911 if you are concerned for someone else’s safety.

Enlist Others

It can be intimidating to approach a situation alone. Enlist another person to support you.

- Ask someone come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
- Ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort them to the bathroom.
- Enlist the friend of the person you're concerned about. "Your friend looks like they've had a lot to drink. Can you check on them?"

Your Actions Matter

Whether or not you were able to change the outcome, by stepping in you are helping to change the way people think about their role in preventing sexual assault. If you suspect that someone you know has been sexually assaulted, there are steps you can take to support that person.

- Help Someone You Care About
- How to Respond to a Survivor

To speak with someone who is trained to help, call the National Sexual Assault Hotline at 800.656.HOPE(4673) or chat online at online.rainn.org.

SEX OFFENDER REGISTRATION—CAMPUS SEX CRIMES PREVENTION ACT

Megan's Law

Members of the general public may request community notification flyers for information concerning sexually violent predators in a particular community by visiting the chief law enforcement officer in that community. In jurisdictions where the Pennsylvania State Police is the primary law enforcement agency, members of the general public may make such requests at the local Pennsylvania State Police Station in that community. This information is also available on the Pennsylvania State Police "Megan's Law" website (<http://www.pameganslaw.state.pa.us>).

TRAINING

Keystone Technical Institute provides Title IX training in accordance with the Violence Against Women's Act (VAWA) annually to the Title IX Coordinator and all Deputy Title IX Coordinators. Keystone Technical Institute's Title IX Coordinator also provides training to the "Responsible Employees." Their training consists of ensuring they understand the confidentiality policy, the mandatory reporting requirement, who the Title IX Coordinator and Deputy Title IX Coordinators are, the Campus Sexual Misconduct policy and the Key Off-Campus contacts.

RESOURCE LINKS ON THE WEB

Megan's Law (<http://www.pameganslaw.state.pa.us>)

Rape, Abuse & Incest National Network (RAINN) (<https://ohl.rainn.org/online/>)

Not Alone (<https://www.notalone.gov/>)

Pennsylvania Coalition Against Rape (<http://www.pcar.org/>)