



and employment. The College also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education programs or activities.

If you believe that you have experienced or witnessed other incidents of sexual misconduct or discrimination, please follow the procedures outlined in the College's Non-Discrimination and Code of Conduct policies.

The College reserves the right to make changes to this policy as necessary and once those changes are posted online, they are in effect. If government laws, regulations or court decisions change requirements in a way that affects this policy, the policy will be construed to comply with the most recent government regulations or holdings.

### TITLE IX COORDINATOR

The Title IX Coordinator coordinates the College's efforts to comply with its Title IX responsibilities.

Title IX Coordinator:

804 E. Brier Dr. San Bernardino, CA 92408 (909) 498-6306 Campus Director

411 N. Marshall El Cajon, CA 92020 (619) 873-2361

[ECampus.Director@summitcollege.edu](mailto:ECampus.Director@summitcollege.edu)

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Santa Ana

Campus Director

1639 E. Edinger Ave Santa Ana, CA 92705 (657) 859-2229

[SACampus.Director@summitcollege.edu](mailto:SACampus.Director@summitcollege.edu)

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# Title IX Policy

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## Key Definitions

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

An employee of the College conditioning education benefits or participation on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);

Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or

Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA)



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Program Activity: On or off campus locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

Clery Act: Meaning the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46). In accordance with the Clery Act, the College publishes required crime statistics and policy statements in its Annual Safety and Security Report (ASR) on or before October 1<sup>st</sup> of each year.

Clery Geography: As defined in the Clery Act, includes (A) buildings and property that are part of a the College's campus; (B) the College's non campus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus.



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SOP#1061

ImplementationDate:8/2020

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator/Deputy, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

## Supportive Measures

The Title IX Coordinator/Deputy may provide supportive measures to the complainant, respondent, or other individuals involved in the process, including but not limited to:



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Process. The Respondents presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the



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During the investigation, the Title IX Coordinator/Deputy or his/her designee ("Investigator") will conduct interviews and gather evidence. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings. The Parties will be provided an equal opportunity to present fact and expert witnesses or other evidence. The Parties (and their Advisors) will be provided with evidence directly related to the allegations, in electronic format or hardcopy, with at least 10 days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the responses received from the Parties before issuing the investigatory report.

Once the investigation has concluded, the Investigator will draft an investigatory report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigatory report will be sent to the Parties (and their Advisors) at least 10 days prior to a Live Hearing. The Parties may provide a written response to the investigatory report.



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other participants may appear at the Live Hearing virtually. An audio or audiovisual recording, or transcript, of any Live Hearing will be created and maintained for seven (7) years.

During the Grievance Process, the College will not use, rely on or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The College will not access or use a party's medical, psychological and similar treatment records unless the party provides voluntary, written consent.

## *Standard of Evidence*

For all Formal Complaints of Sexual Harassment



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(2) there is newly discovered evidence that could affect the outcome of the matter; and/or (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

An appeal must be submitted in writing to the Title IX Coordinator/Deputy within 15 days of the delivery of the Written Determination.

## RETALIATION PROHIBITED

Both Title IX and the Clery Act provide protections for individuals who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. Retaliation (including intimidation, threats, coercion or discrimination) against an individual for raising an allegation of Sexual Harassment or for cooperating in the Grievance Process is prohibited.

If you believe you have been retaliated against, you should notify the Title IX Coordinator/Deputy or Campus Director.

## TRAINING

The College ensures that its Title IX personnel have adequate Title IX training, including annual training on issues related to Sexual Assault, Dating Violence, Domestic Violence and Stalking. The Title IX Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of the College's education program or activity, how to conduct an investigation, the College's Grievance Process (including hearings, appeals and Informal Resolution processes as applicable) and how to serve impartially by avoiding pre-judgment of the facts at issue, conflicts of interest, and bias. Do not disclose (of) Tj /TT1 41.8778 0 TD 0 Tc <0003>Tj /TT2 1 Tf .21 0 TD .0001 Tc [(p-6.5933a)Tj /TT1 1 Tf 2.7357 0 TD 0 Tc <3>Tj /TT2 1 LiD -.0009 Tc (Title5958 .0006 Tc (of)Tj /TT1 1 Tf .8339





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In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator/Deputy prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s) but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. The Title IX Coordinator/Deputy has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator/Deputy, these actions meet the requirements of the Title IX Policy.



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assistance protective order help; programs and services for male victims; <http://www.doves4help.org>

- A Better Way Domestic Violence Shelter and Outreach, Victor Valley, 24 Hour Hotline (760)955 8723; Toll rFree (888)949 r 5770 & (866)228 2059; 26 bed shelter (90 day maximum stay), TRQ (temporary restraining order); outreach programs, opportunity and education support groups; Spanish <http://www.abetterwaydomesticviolence.org>
- Shelter from the Storm, Inc., Coachella Valley, 24 Hour Crisis Lines (800)775 r6055, (760)328 6AFE (7233); emergency shelter; transitional housing; counseling center;