



**TITLE IX POLICY**  
**Effective 8/1/2024**

**TITLE IX POLICY STATEMENT**

To set forth the policy and grievance procedures of Prism Career Institute (Prism) with respect to alleged conduct involving students that meets the definition of sex-discrimination, sex-based harassment (including sexual harassment), and retaliation under the 2024 revised regulations implementing Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., issued by the U.S. Department of Education (“2024 Title IX Regulations”).

Prism is committed to maintaining an educational and work environment free from discrimination and harassment based on age, race, color, sex, gender, pregnancy or related conditions, sexual orientation, religion or creed, national or ethnic origin, disability, or any other category or characteristic protected by federal, state, or local laws. In accordance with Title IX of the Education Amendments of 1972 and 34 C.F.R. Part 106, Prism does not discriminate on the basis of sex, including in admissions and employment, nor will it permit or not tolerate sex discrimination, sex-based harassment, or retaliation (“Prohibited Conduct”) in its education programs and activities against a student, employee, or other member of the Prism community.

All students and employees are expected to comply with this Policy. Any inquiries regarding Title IX or Prism’s Title IX Policy and Procedures can be directed to the Title IX Coordinator as provided below, the Office for Civil Rights, at the U.S. Department of Education, at [www.ed.gov](http://www.ed.gov), or both.

This Policy addresses Prism’s responsibilities with sex discrimination, sex-based harassment, and retaliation as defined by the 2024 Title IX regulations and as set forth below. The Policy applies to Prohibited Conduct, defined below, that is alleged to have occurred on or after August 1, 2024. The Policy does not specifically address any applicable state laws on sex discrimination or sex-based harassment, including sexual harassment.

## **I. Policy**

This Policy covers all education programs and activities and locations of Prism and conduct that is subject to Prism's disciplinary authority. This may include but is not limited to Prism-sponsored events that occur off-campus; all campuses and/or satellite sites; off-campus incidents that have an on-campus impact or affect members of the Prism community regardless of whether such members are on or off campus; and off-campus and/or online speech or conduct, such as social networking sites, which causes a substantial disruption to Prism's operations and/or mission, or affects students. Prism will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States.

This Policy applies to all employees, applicants, students, and where specifically referenced certain non-employees, such as agents or other persons authorized by Prism. All Prism students and employees are expected to comply with this Policy.

Specialized grievance procedures apply to allegations of sex-based harassment when the Complainant(s) and/or Respondent(s) is a student, as detailed in the Policy.

Prism will make the Policy available on Prism website. Misconduct outside the scope of this Policy may be addressed as appropriate by other Prism policies. Prism retains the right to revise this Policy in light of any changes to applicable law.

Prism will respond to a report of sexual harassment or allegations of sexual harassment that are received either by the Title IX Coordinator or by any official who has authority to institute corrective measures on behalf of Prism. These officials may include the Campus Director and Education Department. A report may include an oral report or a written complaint. Prism response will not be deliberately indifferent and will treat the parties equitably by offering supportive measures to a complainant and by following the investigation and resolution process described in this Policy before imposing any disciplinary sanctions or other measures against a respondent.

## **II. Prohibited Conduct**

The following conduct is prohibited under this Policy:

- A. Sex Discrimination** - Sex discrimination refers to discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender expression, and transgender status.
- B. Sex-Based Harassment** - Sex-based harassment is a form of sex discrimination and includes sexual harassment. Sex-based harassment is any of the three types of conduct on the basis of sex:
  - 1. Quid Pro Quo Harassment** - This occurs when an employee, agent, or authorized person conditions (either explicitly or impliedly) the provision of an aid, benefit, or service they are authorized to provide under Prism's education program or activity, on another individual's participation in unwelcome sexual conduct.

2. ***Hostile Environment*** - Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Prism's education program or activity.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following factors: (i) the degree to which the conduct affected the Complainant's ability to access Prism's education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties' ages, roles within Prism's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other incidents of sex-based harassment in Prism's education program or activity.

Sex-based harassment does not refer to conduct and/or sexual activity that is consensual between the parties. Prism is guided by the principles on consent as defined below.

3. ***Other Specific Offenses***

- a. **Sexual Assault** - An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI). These sex offenses include rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape. Specifically:

- Rape is defined as the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sodomy is defined as oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sexual Assault With An Object is defined as using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

- Incest is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

**b. Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on consideration of: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the individuals involved in the relationship.

**c. Domestic Violence** - A felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under applicable family or domestic violence laws, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the applicable family or domestic violence laws.

**d. Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress. This definition incorporates the concept of cyber-stalking, which employs the use of the internet, social media, blogs, texts, cell phones, or other similar devices or forms of communication.

**C. Retaliation** - Intimidation, threats, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in grievance procedures, and in any other actions taken by Prism. Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant or their friends, relatives, or other affiliated individuals. Retaliation is still prohibited even when there is a finding of no responsibility for the allegation.

#### **D. Related Definitions**

**Consent** is an affirmative decision to engage in mutually agreed upon sexual activity and is given by clear words or actions. Consent may not be inferred from someone's manner of dress, silence, passivity or lack of resistance alone. Furthermore, consent to one form of sexual activity does not imply consent to other forms of sexual activity, nor does consent to sexual activity with one person imply consent to engage in sexual activity with another person. The existence of a current or previous dating, marital or sexual relationship is not sufficient to constitute consent to additional sexual activity. Assent shall not constitute consent if it is given by a person who, because of youth, disability, intoxication, unconsciousness, or other condition, is unable to lawfully consent. Consent can be withdrawn at any time.

***Incapacitation*** may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. This Policy covers a person whose incapacity results from mental, intellectual, or other disability, involuntary physical restraint, and/or from the use of alcohol or drugs.

### **III. Title IX Coordinator**

Any person may report sex discrimination or sexual harassment, which will initiate Prism's response, whether or not the person reporting is the person alleged to be the victim. Any person may report sex discrimination or sexual harassment at any time, including during non-business hours, by using the telephone number or e-mail address of the Title IX Coordinator, or by meeting with or sending a written complaint to the Title IX Coordinator at your campus. Reports may be anonymous if desired.

#### **Title IX Coordinator**

For Title IX Contact info please refer to Prism's school website at <https://www.prismcareerinstitute.edu/title-ix-information/>

Employees may use the contacts below in addition to contacting the Title IX Coordinator "Integrity in Action" hotline at (855) 427-4878 or [reportlineweb.com/prismeducation](http://reportlineweb.com/prismeducation)

### **IV. Supportive Measures:**

Upon receiving a report of sexual harassment, Prism will offer supportive measures to the complainant. The Title IX Coordinator will promptly contact the complainant confidentially 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. Prism must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures will include individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. Supportive measures, among other things, may include:

- academic support services and accommodations, including the ability to reschedule exams and assignments, transfer course sections, or withdraw from courses without penalty;
- assistance in connecting to community-based counseling services;
- assistance in connecting to community-based medical services;
- assistance with obtaining personal protective orders;
- mutual restrictions on communication or contact between the parties; or
- a combination of any of these measures.

A complainant may, but is not required to, file a formal complaint that will initiate Prism’s complaint resolution process, including an investigation. The complainant’s wishes will be

respected regarding whether Prism investigates and whether their name is revealed, unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is necessary to fulfill Prism’s obligations to provide a safe and nondiscriminatory environment for all community members. The Title IX Coordinator will make this determination consistent with the following considerations: 1) the seriousness of the conduct; 2) the respective ages and roles of the Reporting Party, and the Respondent; 3) whether there have been other complaints against the Respondent; and 4) the right of the Respondent to receive notice and relevant information before disciplinary action is sought.

Unless the formal complaint resolution process results in a determination that a respondent was responsible, Prism will not impose disciplinary actions or take any other actions under this Policy that are not supportive measures.

## **V. Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Postsecondary Institutions (§ 106.46)**

The 2024 amendments require each postsecondary institution to adopt, publish, and implement grievance procedures consistent with the requirements of §§ 106.45 and 106.46 for the prompt and equitable resolution of complaints of sex-based harassment involving a student complainant or student respondent at a postsecondary institution.

Prism Career Institute has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

### **A. Complaints:**

The following people have a right to make a complaint of sex-based harassment, requesting that Prism Career Institute investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
  - a student or employee of Prism Career Institute who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a student or employee of Prism Career Institute who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Prism Career Institute education program or activity;

- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Prism Career Institute Title IX Coordinator.

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

Prism Career Institute may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee PCI or
- Any person other than a student or employee who was participating or attempting to participate in PCI education program or activity at the time of the alleged sex discrimination.

### **B. Basic Requirements of Title IX Grievance Procedures:**

PCI will treat complainants and respondents equitably.

PCI requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

PCI presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

PCI has established the following timeframes for the major stages of the grievance procedures:

- Complaint evaluations will be completed within ten (10) business days of the date in which Prism received the report of alleged conduct;
- Appeals of an emergency removal, administrative leave, or complaint dismissal will be completed within five (5) business days of the date in which Prism receives the written request for such appeal.
- Investigations will be completed within sixty (60) business days of the date in which Prism received the report of alleged conduct;
- Determinations will be completed within fourteen (14) business days of the date in which the investigation report and evidence is submitted to the decisionmaker;

- Appeals of the determination will be completed within fourteen (14) business days after receipt of the written request for an Appeal Officer.

Informal resolution, if applicable, will be completed within thirty (30) business days.

The time frames for each major stage of the grievance process are subject to reasonable extensions of time for good cause, which Prism will determine on a case-by-case basis. Prism will send the parties written notice of any causes or reasons for the delay.

The time frames for each stage of the grievance process are subject to reasonable extensions of time for good cause, which Prism will determine on a case-by-case basis. Prism will send the parties written notice of any causes or reasons for the delay.

PCI will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

PCI will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by PCI to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless PCI obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.



### **C. Written Notice of Allegations:**

Upon initiation of these Title IX grievance procedures, Prism will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Prism Career Institute Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. [If Prism provides access to an investigative report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party]; and
- Prism Career Institute Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, Prism Career Institute decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

### **D. Dismissal of a Complaint:**

Prism Career Institute may dismiss a complaint of sex discrimination if:

- Prism Career Institute is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Prism Career Institute education program or activity and is not employed by Prism Career Institute
- Prism Career Institute obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and Prism determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or

- Prism Career Institute determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Prism will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Prism will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Prism will notify the parties simultaneously in writing.

Prism Career Institute will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then Prism will also notify the respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, Prism will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, Prism Career Institute will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Prism Career Institute education program or activity.

#### **E. Investigation:**

Prism Career Institute will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on Prism not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Prism will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Prism Career Institute will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Prism will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- Prism may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.
- Prism will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.
- Prism will provide an equal opportunity for the parties to present fact witnesses and other

inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.

- Prism will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Prism will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- Prism will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. [If Prism provides access to an investigative report: Prism will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- Prism will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If Prism conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. [Prism may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing.]; and
- Prism will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

#### **F. Questioning the Parties and Witnesses:**

Prism will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

When Prism Career Institute chooses **not** to conduct a live hearing: Prism process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

When Prism Career Institute chooses to conduct a live hearing: Prism Career Institute process for

proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. If Prism Career Institute permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, Prism Career Institute will provide the party with an advisor of Prism Career Institute choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, Prism Career Institute will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

***Procedures for the decisionmaker to evaluate the questions and limitations on questions:***

The decision maker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

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

***Procedures for a Live Hearing, if offered:***

Prism Career Institute will conduct the live hearing with the parties physically present in the same geographic location or, at Prism discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

Prism Career Institute will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

## **G. Determination Whether Sex-Based Harassment Occurred:**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Prism will:

- Use the preponderance of the evidence or, if applicable, clear and convincing standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
  - A description of the alleged sex-based harassment;
  - Information about the policies and procedures that Prism used to evaluate the allegations;
  - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
  - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions Prism Career Institute will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by Prism Career Institute the complainant, and, to the extent appropriate, other students identified by Prism Career Institute to be experiencing the effects of the sex-based harassment; and
  - Prism Career Institute procedures and permissible bases for the complainant and respondent to appeal.
- Prism Career Institute will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to a complainant and other people Prism Career Institute identifies as having had equal access to Prism Career Institutes education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Prism Career Institute education program or activity.

- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that Prism Career Institute provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

#### **H. Appeals:**

Prism Career Institute will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, Prism Career Institute will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that Prism will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal Prism Career Institute offers will be equally available to all parties.

#### **I. Disciplinary Sanctions and Remedies:**

For purposes of this policy,

- Sanctions and disciplinary actions are consequences imposed on a Respondent by Prism following a determination that the Respondent has violated this, Policy. As described below, violations of this Policy are subject to the full range of institutional discipline, up to and including suspension or termination from Prism, removal from Prism events and premises, and referrals to authorities for criminal prosecution, as appropriate.

- Remedies are measures provided, as appropriate, to a Complainant or any other person Prism identifies as having had their equal access to the recipient's education program or activity limited or denied by the Prohibited Conduct. These measures are provided to restore or preserve that person's access to Prism's education program or activity after a determination that Prohibited Conduct occurred.

If there is a determination that the preponderance of the evidence supports that Prohibited Conduct occurred, the Written Determination will include a description of the applicable sanctions, other disciplinary actions, and remedies as appropriate. The Title IX Coordinator will coordinate the imposition of any sanctions and/or other disciplinary actions on a Respondent, including notification to the Complainant of any such sanctions, and take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within education program or activity. The Title IX Coordinator will also coordinate the provision and implementation of remedies to a Complainant and other persons Prism identifies as having had equal access to an education program or activity limited or denied by the Prohibited Conduct.

Prism will not impose discipline on a Respondent for Prohibited Conduct under this Policy unless there is a determination at the conclusion of the grievance procedures that the preponderance of the evidence establishes that Respondent engaged in Prohibited Conduct under this Policy.

Prism will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on Prism's determination whether Prohibited Conduct occurred.

The following are the possible sanctions that will be imposed upon individuals who are found to be responsible for violations of this Policy. The sanctions listed below may be imposed singularly or in combination and second or subsequent offenses will receive more severe sanctions. Possible sanctions include, but are not limited to:

**For Students:**

- Warning
- Removal from specific courses or activities
- Disciplinary probation
- Suspension

**For Employees:**

- Warning
- Performance improvement plan
- Required training or education
- Suspension with or without pay
- Termination

## **J. Informal Resolution, if offered:**

In lieu of resolving a complaint through Prism Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Prism will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. Prism will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, Prism will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information Prism will maintain and whether and how Prism could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

## **K. Conflicts of Interest or Bias**

Both parties have a right to an investigation and resolution process free of conflicts of interest or bias by any Prism employee involved in the grievance procedures, including the Title IX Coordinator, investigator, hearing officer, appeal decisionmaker, or any person designated by Prism to evaluate the complaint, conduct the investigation, or facilitate an informal resolution process. Prism employee involved in the process should disqualify themselves in a matter or proceeding in which the member's impartiality might reasonably be questioned, including but not limited to instances where the individual has a prejudgment of the facts at issue, conflict of interest, or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. An employee who fails to disqualify themselves or notify the Title IX Coordinator of potential conflicts of interest or bias is subject to disciplinary action, up to and including termination.

A Complainant or potential Complainant and the Respondent have the opportunity to object to the participation of any Prism official or employee involved in the grievance procedures (including the Title IX Coordinator, investigator, hearing officer, or individual(s) designated to facilitate Prism's informal resolution process) on the grounds of bias or conflict of interest. The investigation or proceeding will be temporarily suspended, and the Title IX Coordinator or another appropriate official who is not the subject of the objection will evaluate whether the objection is substantiated. The parties will be notified in writing of the findings within five (5) business days. If Prism employee or official is found to have a bias or conflict of interest against either party, Prism employee or official will be removed from the matter and (when necessary) replaced. The investigation or proceeding will resume immediately upon a finding of no bias or conflicts, or upon the replacement of Prism employee or official, whichever occurs first.



## **VI. Records Retention**

Prism will maintain for seven years or the extent they are required by law:

- Records documenting the informal resolution process or the grievance process under this Policy, as applicable, and the resulting outcome for each complaint of sex-based harassment involving students.
- Records documenting the actions Prism took to meet its obligations under this Policy for each notification the Title IX Coordinator receives of information about conduct that reasonably may violate this, Policy.
- All materials are used to provide training to officials responsible for implementing this, Policy. The materials will be available for public inspection upon request.

## DEFINITIONS

The following definitions apply under this Policy:

Complainant means:

- A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discriminate on under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions mean consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

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

Respondent means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, which is:

(1) Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or

impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in the recipient's education program or activity; or

(3) Specific offenses.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures or during an informal resolution process.

Approved:8/1/2024-EA

Revised: 07/31/2024