

Williamson College of the Trades Title IX Program

Williamson College of the Trades is committed to providing an educational and working environment conducive to its mission and one that is free from sexual harassment, sexual assault, and sexual discrimination. We are dedicated to ensuring a safe campus climate for all our students and the entire institutional community. Through a comprehensive compliance, investigative, and adjudication program, we promote fundamental rights, individual and institutional integrity and uphold the aims of Title IX legislation.

This program guide outlines the College's commitment to comply with Title IX regulatory requirements by leveraging a myriad of campus resources dedicated to educational excellence. It must be noted that Title IX legislation is currently undergoing a regulatory review by the US Department of Education. The policy outlined in this document reflects current legislation and best practices. Title IX information is available through our institutional website which serves as a focal point for students, faculty, and staff who may need assistance.

I. PURPOSE AND SCOPE

It is the policy of Williamson not to discriminate on the basis of sex in its educational programs and activities as required by Title IX of the Education Amendments of 1972. Title IX provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Gender discrimination includes sexual harassment and sexual assault. This policy shall apply to all students, staff, faculty, contractors, vendors, and/or visitors to Williamson

As a Williamson student you are protected from discrimination including, but not limited to:

- Admission
- Access to and use of school facilities
- Counseling and guidance materials, tests and practices
- Academic education
- Physical education
- Competitive athletics
- Graduation requirements
- Student rules, regulations and benefits
- Housing
- Financial assistance
- Health services
- School-sponsored extracurricular activities

As an employee you are protected from sex discrimination including, but not limited to:
Employment, evaluation, wages, advancement, assigned duties and shifts, career advancement, and other terms and conditions of employment

II. DEFINITIONS

A. Gender Discrimination.

Sex discrimination can occur when conduct is directed at a specific individual or a group of identifiable individuals that adversely affects the education or employment of the individual or group because of sex. Sex-based discrimination or harassment may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Conduct that may be sex-based discrimination includes, but is not limited to:

- Exclusion from educational resources or activities because of one's sex
- Subjection to jokes or derogatory comments about one's sex; or
- Being held to different standards or requirements on the basis of one's sex

B. Sexual Harassment.

In general terms, sexual harassment is unwelcome sex or gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with, denies, or limits an individual's ability to participate in or benefit from the institution's educational mission, programs, or activities. In an employment context, sexual harassment is an act or action that is so frequent or severe that it creates a hostile or offensive work environment or results in an adverse employment decision (such as the victim being fired or demoted).

Sexual Harassment can take two forms: quid pro quo and hostile environment

- **Quid pro quo** sexual harassment exists when:
 - There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
 - Submission to such conduct is made explicitly or implicitly a term or condition of an individual's academic status or employment; or
 - Submission to or rejection of such conduct by an individual is used as the basis for academic decisions, employment conditions or status that adversely affects an individual.

For example: An employee of the institution causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

- **Hostile Environment** sexual harassment exists when:
 - Unwelcome conduct of a sexual nature is sufficiently serious that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational

environment. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school.

- In an employment context, hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

The determination of whether an environment is considered hostile is based on a totality of circumstances which may include, but is not limited to, the degree to which the conduct interfered with the complainant's educational or work performance; the type, severity, frequency, and duration of the conduct; the effect of the conduct on the complainant's mental or emotional state; and whether the speech or conduct deserves the protection of academic freedom or the first amendment.

A single or isolated incident of sexual harassment may be severe enough to create a hostile environment.

Examples could include references to an individual's body; use of sexually degrading words to describe an individual; offensive comments; off-color language or jokes; innuendoes; and sexually suggestive objects or behavior, books, magazines, photographs, cartoons or pictures

C. Sexual Violence.

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to reasons including, but not limited to, an individual's age, use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery and sexual coercion.

Further defined within the Pennsylvania Criminal Code, sexual assault is a non-consensual act involving psychological manipulation, physical force, or coercion by an individual through forcible sodomy, forcible sexual penetration, however slight, of another person's mouth, anal or genital opening with any object. These acts must be committed without the victim's consent either by force, threat of force or violence, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware

III. NOTICE OF TITLE IX COORDINATOR/DEPUTY COORDINATORS

Contact information for all Williamson IX Coordinators can be found on the college website.

Title IX Coordinator:

Dr. Todd Zachary, Ed.D.
Senior Vice President/Chief of Staff
Phone: (610) 566-1776; ext. 252
Email: tzachary@williamson.edu

Title IX Deputy Coordinators for Williamson College:

Dr. Sam Wrightson, Ed.D.
Vice President, Education
Phone: (610) 566-1776, ext. 428
Email: swrightson@williamson.edu

Mr. Tom Wisneski
Vice President, Research & Assessment
Phone: (610) 566-1776, ext. 231
Email: twisneski@williamson.edu

The Title IX Coordinator(s) core responsibilities include coordinating the institution's compliance with Title IX, to include oversight of Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. This includes, but is not limited to, the coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students and other members of the campus community.

The Title IX Coordinator and Deputy Coordinators are responsible for institutional Title IX compliance, including training, education, communication, and administration of the grievance procedure for all complaints.

IV. REPORTING A TITLE IX COMPLAINT

Williamson College of the Trades encourages any student, employee or visitor who thinks that they have been subjected to sex discrimination, sexual harassment, or sexual violence by another student, member of the faculty or staff, campus visitor or contractor, to report that action immediately to the College's Title IX Coordinator or Deputy Coordinators.

Individuals who are survivors of sexual violence are strongly encouraged to report the incident to local law enforcement. Reporting an incident of sexual violence to law enforcement provides the

opportunity for collection of evidence helpful in the Title IX investigation, in addition to facilitating a myriad of off-campus support services available to the survivor.

In accordance with Title IX regulatory guidance, a *responsible employee* of the institution must report incidents of sexual discrimination, sexual harassment, or sexual violence to the Title IX Coordinator or Deputy Coordinators. A *responsible employee* is defined as a member of the institution's administration, academic dean, shop director, dorm manager, or a member of the faculty or staff.

In accordance with Title IX legislation, pastoral counselors and members of the Heath Center are not required to report any information regarding an incident of alleged sexual violence to the Title IX coordinator or other appropriate school designee without the complainant's consent. In these cases, the staff member should inform the complainant of his/her right to file a Title IX complaint with the college and a separate complaint with local law enforcement.

V. TITLE IX GRIEVANCE PROCESS

A. Receipt of a Complaint

Upon receipt of a Title IX complaint, the Title IX Coordinator or Deputy Title IX Coordinator will meet with the individual filing the action, identified as the *Complainant*, to review the College's Title IX grievance procedures, discuss the specific incident, and determine the Complainant's desire to proceed with a formal or informal resolution.

If the Complainant elects to proceed with an informal resolution, the Coordinator will contact the individual(s), identified as the *Respondent*, against whom the complaint is filed, in accordance with the informal resolution section below.

If the Complainant desires to proceed directly with a formal Title IX complaint, the Respondent declines to participate in an informal resolution, or if attempts to resolve the complaint through informal procedures are unsuccessful, the assigned Title IX Coordinator will evaluate the complaint in accordance with the formal resolution process.

B. Informal Resolution Procedures

If the Complainant requests to proceed informally with the complaint, the Complainant should request the assigned Title IX Coordinator to intervene initially on his/her behalf. Students are encouraged not to rely upon other students or individuals who are not familiar with Title IX policy to intervene when discussing concerns with the Respondent. The Title IX Coordinator to whom a request to proceed informally is made will evaluate the request to determine whether an informal resolution is appropriate given the severity of the allegations involved. However, in cases involving allegations of sexual violence or sexual assault, informal resolution or mediation is not appropriate, even on a voluntary basis.

If the Title IX Coordinator determines that an informal resolution is appropriate, the allegation may, but need not, be investigated to the extent necessary to resolve any factual conflicts between the parties. The allegation(s) will be considered resolved and the matter closed when all parties agree to a written resolution that is approved by the investigating Title IX Coordinator.

The Complainant has the right to end the informal resolution process at any time and begin the formal resolution process.

If the informal resolution process does not result in a mutually-acceptable resolution, the matter will be resolved pursuant to the formal resolution procedures.

Supervisors or administrators, including faculty, should contact the Title IX Coordinator or a Deputy Coordinator before attempting to resolve any complaints.

C. Formal Resolution Proceedings: Filing and Accepting a Complaint

Any individual may initiate formal complaint procedures by filing a complaint with the Title IX Coordinator or Deputy Coordinator whether that individual has attempted resolution through informal procedures. The individual who files the complaint is referred to as the “*Complainant*”. The individual against whom the complaint is filed is referred to as the “*Respondent*”. Collectively these individuals are referred to as the “*Parties*”.

Williamson will work to investigate all complaints as quickly and professionally as possible. If the subsequent investigation confirms a Title IX violation has occurred, appropriate corrective action will be taken to prevent the recurrence of any discrimination or harassment.

Upon a filing of a Title IX complaint, the Coordinator will interview the Complainant to review the information in the complaint. The Coordinator will then assess the complaint to determine if it is a potential Title IX violation. If the Coordinator determines that a potential violation has occurred, the Title IX Coordinator will notify the Complainant in writing that the complaint has been accepted. The Coordinator will then provide written notice to the Respondent of the allegation and pending investigation. If the Coordinator determines that the complaint is not a Title IX violation, the Coordinator will provide written notice of that decision to the Complainant explaining why the complaint does not state such a violation. In such cases, the Coordinator is not precluded from recommending disciplinary action under Williamson’s Code of Conduct.

D. Complaint Investigation

All complaints will be investigated to assure a resolution that is consistent with the facts discovered. The term *investigation* encompasses the College’s resolution process, including all fact-finding actions to determine whether the conduct occurred, measures

undertaken to address the hostile environment or prevent its recurrence, disciplinary sanctions, and remedies for the Complainant or the broader college community.

The College’s investigation will be comprehensive, impartial, and prompt, including the opportunity for both parties (Complainant and Respondent) to present witnesses and other evidence. The investigation may include, but is not limited to, conducting interviews with the Complainant, Respondent, and additional witnesses; reviewing law enforcement investigation documents; reviewing student/employee personnel files if applicable, and gathering and examining other relevant documents or evidence.

All interviews will be documented. Parties and witnesses will be informed that their statements will remain confidential within the parties of the investigation to the extent allowed by law. The Complainant and Respondent will not be allowed to directly question or cross-examine each other during the investigation, or any subsequent disciplinary proceedings. However, either party may through a non-investigating Coordinator (a Title IX Coordinator not assigned to investigate the incident), acting as a Third Party, pose questions back and forth to each other in regard to statements or evidence given. Correspondence between the two parties through the Third Party will be included within the investigation adjudication process.

All evidence will be reviewed using a preponderance of the evidence standard (e.g. is it more likely than not that a violation has occurred).

E. Report of Findings and Recommendation – Complaints Against Non-Students

Timeline of Title IX Resolution Process (60 day)			
Investigative Process (50 days)			Disciplinary Action President (10 Days)
Investigation (40 Days)	Report Review (5 Days)	Final Report Submission (5 Days)	

Figure 1: Title IX Resolution Timeline

Title IX investigations involving employees will normally be concluded within fifty (50) days by the assigned Title IX Coordinator as outlined in *Figure 1* above. The investigation and the issuance of the draft report shall normally be concluded within forty (40) days of the filing of the written complaint, at which time the investigating Coordinator shall issue a draft report to the remaining Coordinators who were not assigned to investigate the complaint.

Within five (5) days, the non-assigned Coordinators who received the draft report will review and provide comment to the submitting Title IX Coordinator. The investigating Title IX Coordinator shall then finalize the report within five (5) days and provide it to the Respondent’s supervisor and the College President or Senior Vice President/Chief of Staff in his absence (provided the Senior Vice President/Chief of Staff was not the assigned Title IX investigator). The investigating Title IX Coordinator shall also provide written notice of the outcome of the investigation to both the Complainant and the Respondent.

The final report shall include a summary of the Complainant’s allegations, the Respondent’s response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

If the final report concludes that a violation of Williamson policy or federal/state law has occurred, the College President has ten (10) days following receipt of the final Report to determine a disciplinary action that is appropriate for the severity of the conduct.

Disciplinary action may include, but is not limited to, counseling and professional training, a letter of reprimand, a formal letter of apology to the Complainant, unpaid suspension, or termination of employment.

F. Report of Findings and Recommendation – Complaints Against Students

Timeline of Title IX Resolution Process (60 day)			
Investigative Process (50 days)			Disciplinary Action President (10 Days)
Investigation (40 Days)	Report Review (5 Days)	Final Report Submission (5 Days)	

Figure 2: Title IX Resolution Timeline

Title IX investigations involving students will normally be concluded within fifty (50) days of the complaint filing in accordance with *Figure 2* above. The investigation and the issuance of the draft report shall normally be concluded within forty (40) days of the filing of the written complaint, at which time the investigating Coordinator shall issue a draft report to the remaining Coordinators who were not assigned to investigate the complaint.

Within five (5) days, the non-assigned Coordinators who received the draft report will review and provide comment to the submitting Title IX Coordinator. The investigating Title IX Coordinator shall then finalize the report within five (5) days and provide it to the Dean of Students and the College President or Senior Vice President/Chief of Staff in his absence (provided the Senior Vice President/Chief of Staff was not the assigned Title IX investigator). The assigned Coordinator will also release a written notice of the investigation outcome to the Complainant and the Respondent. The final Report shall include a summary of the Complainant’s allegations, the Respondent’s response to the allegations, findings of fact and conclusions, as well as disciplinary recommendations, if any.

Upon receipt of the assigned Coordinator’s final Report, the College President has ten (10) days to review the recommendation, and determine the appropriate sanction. Disciplinary sanctions may include, but are not limited to, counseling, disciplinary points, disciplinary probation, suspension, and dismissal.

Students found in violation of Title IX or state legislation will not face a subsequent Character Review Board, as disciplinary sanctions will stem from the Title IX resolution

process. Following the decision of the President, the assigned Coordinator, in coordination with the Dean of Students, will issue a final notice to both the Complainant and Respondent as to the disciplinary sanction imposed.

As required by Federal law, any disclosure of the findings and decision regarding student disciplinary proceedings will be governed by the provisions of the Family Educational Rights and Privacy Act (FERPA).

G. Appeal Procedure

The Complainant or Respondent may file an appeal of either the investigative report or the imposed discipline sanction by submitting a written appeal to the Title IX Coordinator within five (5) days upon receipt of the final decision. The appeal shall be in writing and contain all grounds for the appeal.

Upon receipt of an appeal, the Title IX Coordinator shall promptly forward the appeal to the President, and ultimately to the Board of Trustees Disciplinary Review Committee in accordance with Williamson policy.

H. Confidentiality and Complainant Requests

While a student (or parents of minor students) may request his name not be disclosed to the Respondent or that an investigation not to be pursued to address the alleged Title IX violation, there are situations that Williamson, in compliance with Federal or State legislation, will waive the confidentiality request for the well-being of the institution and its students.

Williamson will, to the extent practicable, limit disclosure of the Title IX incident, investigation, and findings to individuals identified within this program guidance and/or law enforcement. Regardless of any request for confidentiality, the College may take appropriate interim measures, as it deems required, to protect the Complainant before the final outcome of the investigation is completed.

I. Interim Protective Measures

At times, the Title IX Coordinator/Deputy Coordinator may deem it necessary to implement protective means before or during an investigation to protect the rights and interests of the Complainant and/or the Respondent. Those measures may be designed to reduce or eliminate contact between the Complainant and Respondent so that both parties feel safe in their work or educational environment. Protective measures may also guard against further actual or perceived discrimination or retaliation.

Interim measures may include, but are not limited to, temporary changes in working conditions (e.g. changes in supervisor, shift, job site, or office location), changes to the student's schedule or living arrangements, directives to the Complainant and Respondent to avoid personal contact or refrain from such contact without a third neutral party present, and in severe cases, interim suspension.

J. Effect of Criminal Proceedings

Because sexual violence may constitute not only a violation of Title IX, but also federal and state statutes, the College strongly encourages individuals to report alleged incidents of sexual violence to local law enforcement. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because judicial standards employed in criminal law are different from the preponderance of the evidence standard associated with a Title IX violation, the result of a criminal investigation does not constitute, nor is determinative of a Title IX violation. In other words, conduct may be determined to constitute sexual assault under College Title IX policy, even if law enforcement lacks sufficient evidence of a crime.

The filing of a complaint of sexual violence under this policy is independent of criminal investigation or proceeding. Except when the College's investigation may be delayed temporarily while criminal investigators are gathering evidence, Williamson will not wait for the conclusion of a criminal investigation or proceedings to commence its own investigation.

K. Retaliation or Reprisals Are Prohibited

Title IX, federal and state civil rights laws, and College policies specifically prohibit retaliation of any kind against any person for asserting his/her civil rights, including filing a claim of discrimination or participating as a witness in an investigation. Retaliation or reprisals against any participant in an investigation will not be tolerated by the College. If a person believes that he/she has been retaliated against as a result of filing a grievance or participating in the investigation of a grievance, he/she may pursue a separate complaint charging retaliation.

L. Filing of False Complaints

Any employee or student who knowingly and/or intentionally files a false Title IX complaint under this procedure is subject to disciplinary action up to and including dismissal from Williamson or termination of employment.

M. Time Frames

Time frames referenced in this policy may be extended by the Title IX Coordinator for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint. In all cases, extension of timelines will be noted in writing by the Title IX Coordinator.

N. Title IX Grievance Procedures

This procedure shall constitute the grievance procedures for complaints alleging unlawful sex discrimination required under Title IX of the Education Amendments of 1972. As used herein, “complaint” is synonymous with “grievance”.

O. Resources

Community Resources

- Delaware County Mobile Crisis Unit- Project REACH: 610-352-4703
- Delaware County Sexual Assault Hotline: 610-566-4342
- Delaware County Domestic Violence Hotline: 610-565-4590
- Riddle Memorial Hospital: 484-580-1000 or 866-CALL-MLH
- Crozer Chester Hospital: 610-447-2000
- Philadelphia Mobile Crisis Unit: 215-685-6440
- Philadelphia Sexual Assault Hotline: 215-985-3333
- Philadelphia Domestic Violence Hotline: 1-866-SAFE-014
- Philadelphia Sexual Assault Response Center: 215-425-1374
- Pennsylvania Child Abuse Reporting Line: 1-800-932-0313

National Hotlines (Note: National hotlines will provide local resources for callers.)

- Suicide Prevention Lifeline: 1-800-273-8255
- Sexual Assault Hotline: 1-800-656-4673
- Domestic Violence: 1-800-799-7233

Websites

- RAINN- Rape Abuse Incest National Network www.rainn.org
- PCAR-Pennsylvania Coalition Against Rape www.pcar.org
- The Domestic Abuse Project of Delaware County <http://www.dapdc.org/>
- Suicide and Crisis Prevention <http://suicidepreventionlifeline.org/>
- The Pennsylvania Office of the Attorney General <https://www.attorneygeneral.gov/>