



NTMA Training Centers of Southern California
12131 Telegraph Road
Santa Fe Springs, CA 90670

TITLE IX

Guiding Principles

"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."- Title IX, Education Amendments of 1972

NTMA TRAINING CENTERS OF SOUTHERN CALIFORNIA

Sexual Harassment, Sex Discrimination, Sexual Misconduct, Stalking, Dating and Domestic Violence

On May 6, 2020 the US Secretary of Education, Betsy DeVos, issued new Title IX regulations to all institution of higher learning regarding handling of allegations of sexual harassment and sexual misconduct effective August 14, 2020. The new Title IX regulations published by the Department of Education is available for review at <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>

What is Title IX?

Title IX of the Education Amendments of 1972 (Title IX) (34 C.F.R. Part 106) prohibits sex discrimination in education programs at postsecondary institutions and activities that are federally funded. This includes pregnancy, sexual orientation and gender identity. Title IX also offers protection for students, applicants for admission and employment, employees and other from all forms of sex discrimination. The scope of protections offered by Title IX encompasses all students regardless of their sex, gender identity, sexual orientation, student enrollment status, race, disability, and national origin.

The purpose of Title IX is for federally funded institution to foster an environment of inclusivity and acceptance. Institutions may not exclude, separate or deny benefits to anyone based on sex unless permitted to so under the Title IX provision or the U.S. Department of Education. For example, single-sex all female institutions are allowed to exclude male students.

NTMA IX NOTICE OF NONDISCRIMINATION

The NTMA Training Centers does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities.¹ The following person(s) has been designated to handle inquiries regarding the non-discrimination policies:

Alecia Banton
Campus Director/Title IX Coordinator
12131 Telegraph Road
Santa Fe Springs, CA 90670
(562)921-3722 ext. 211

Angie Nevarez
Student Services Coordinator/Responsible Person
12131 Telegraph Road
Santa Fe Springs, CA 90670
(562) 921-3722 ext. 225

For further information on notice of non-discrimination, visit <https://ocrcas.ed.gov/contact-ocr> for the address and phone number of the office that serves your area, or call 1-800-421-3481.

NTMA COMMITMENT TO LEARNING ENVIRONMENT FREE FROM HARASSMENT

Believing that every student has the right to learn in an environment free from sexual harassment, sex discrimination, sexual misconduct, dating and domestic violence, stalking, bullying, and all other forms of harassment, the NTMA Training Centers of Southern California are committed to maintaining an environment that prohibits any kind of discrimination, harassment or sexual harassment based on race, ethnicity, religion, gender, gender identity or sexual orientation. Both Federal law, Title IX of the Education Code and Title VII of the Civil Rights Act, and California law require schools to protect both students and employees from sexual harassment. Actions that do not rise to the level of being a violation of Federal or State Law may still be violations of school policy and may be addressed with disciplinary action.

NTMA Training Center policy considers any question or statement, even in the form of "humor", about a person's sexual identity or expression; made to that person or about them within their hearing that disrespects, derides, creates negative feelings or causes fear can be considered sexual harassment. A pattern of such statements, about a person, even if it is not directly to them or within their hearing that creates a negative environment for that person is also sexual harassment.

The U.S. Department of Education Title IX guiding principles define the following conduct as sexual harassment:

- (a) A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- (b) Unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity;
- (c) Sexual assault, dating violence, domestic violence, or stalking

The California Education Code Defines Sexual Harassment as:

- (d) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:
- (e) (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- (f) (b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- (g) (c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- (h) (d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

INTERVENTION

All NTMA Training Center staff members are expected to intervene if they witness harassment or act of discrimination of any kind.

If the harassment appears to be minor, involving verbal abuse and or mocking or suggestive behavior, staff should notify the perpetrator(s) that their language and or behavior is a violation of school policy and must be stopped. This applies to on campus and online school activities. If the staff member feels the admonishment

will not be sufficient, they should bring it to the attention of a supervisor. If violations continue to occur they should be reported to the Campus Director.

Aggressive or threatening verbal abuse or behavior must be reported to the Campus Director as soon as possible. Stepping in to end the incident is at the discretion of the staff member. Consideration of whether attempted intervention would exacerbate or deescalate the situation must be considered. All observing staff should notify supervisor.

Physical violence; assault, sexual assault or rape are criminal offences. Any staff observing such an incident must report it to the Campus Director and the Santa Fe Springs Police Services Department as soon as possible. Trying to physically stop the incident may constitute an extreme danger to the staff member and so that must be totally at their discretion. Any student actively or passively participating in an act of violence against another student is subject to immediate expulsion from the school.

TYPES OF INVESTIGATIONS

There are three possible types of investigations. A complainant can use any or all of them.

1. Informal Investigation: The Campus Director will assign other staff as investigators. They will interview the Complainant, the Respondent and any witnesses. The Campus Director along with other staff as appropriate will determine the outcome based on school policy and the results could range from no action to expulsion from the school or somewhere in between.

2. Formal Investigation: The Title IX Coordinator will meet with the complainant and instigate an investigation to collect all relevant information from witnesses or other evidence. A live hearing will be conducted by the NTMA Training Center's law firm as the "decision makers" in accordance with Title IX of the Federal Education Code. In this hearing the Claimant and the Respondent have the right to be represented by Advisors of choice. The hearing will review the investigative report and include live testimony from witnesses. During the hearing the advisors can cross examine the witnesses. The cross examination questions must be preapproved by the hearing panel and are specific to the incident(s) under consideration and cannot be about past sexual history or unrelated questions of character.

3. Criminal Investigation by the Police and courts system. The school would be required to provide all of the evidence it has and to cooperate fully with the police investigation.

Note: Filing a false complaint is a very serious offense and can result in very serious consequences. A false accusation can be considered sexual harassment.

FILING A COMPLAINT

If a student, instructor, staff member or a third party that has experienced, or witness sexual harassment, sexual violence, stalking, dating or domestic violence, discrimination or harassment of any kind; please report it to Title IX Coordinator.

- On-Campus Complaint

You can email the Title IX Coordinator (Alecia Banton) at abanton@ntmamcc.org or by phone at (562) 921-3722 ext. 211 to provide details of the complaint. The Title IX Coordinator will contact you and schedule a

meeting in person or via telephone. You will be asked to provide more details regarding the complaint that was filed. The Title IX Coordinator will then begin the investigation process by contacting and providing details of the complaint to Danielle Skinner, President.

- Reporting to the Police Department

If you feel a crime has been committed, a victim or witness can report a complaint to the Whittier Police Department by calling (562) 567-9200.

Please see Title IX Grievance procedures on next page

TITLE IX STEPS AND PROCEDURES

Title IX Coordinator Receives Complaint

- Title IX Coordinator meets with Complainant, explains process and gathers additional information/details
- Title IX Coordinator notifies the Respondent
- Both parties are provided written notice of the complaint.

Formal Investigation

- Investigator interviews the Complainant, Respondent, and witnesses to obtain any relevant evidence through parties statements and documents review

Evidence Reviewed

- Investigator drafts report and send to parties for review
- Parties will have equal opportunity to review and provide evidence and question witnesses

Hearing Process

- The adjudicator will oversee the live hearing. During the live hearings, parties can request questions to be asked of each other and witnesses
- Parties may provide questions to the adjudicator to ask each other and other witnesses

Hearing Decision

- If Respondent is found to have been in violation, parties may submit statements regarding sanctions
- The adjudicator will recommend sanctions
- Training Center sends decision letter to parties with finding(s) and sanctions, where applicable

Appeal

- A party that is not satisfied with the outcome may appeal the finding and/or sanction has the right to appeal in circumstance of mistake in evidence, incompetence, mistake or bias.
- If either party chooses to appeal, the other will be given the opportunity file an appeal at the same time.
- Appeals must be submitted within thirty (30) days after outcome notification and must be submitted in writing to the President.

TITLE IX REPORTING FORM

INFORMATION ABOUT YOU (Complainant).

Name: _____

Role/Title: _____ Email: _____

Your Email Address: _____

Date of Incident (Required): _____

Time of Incident: _____

Location of Incident (Required): _____

Specific Location: _____

INFORMATION CONCERNING SUSPECTED POLICY VIOLATION

Your report concerns: (Respondent)

(Include as much information as possible)

Name: _____

Title: _____ Phone: _____

Email: _____

Address: _____

Date of Birth: _____

Gender: _____

Relationship to you: () Student () NTMA Staff () Other: _____

Signature: _____ Date: _____