

<u>Policy</u>	Sexual Misconduct
<u>Regulation</u>	Title IX of the Education Amendments of 1972 and the Violence Against Women Act
<u>Method of Disclosure</u>	School Catalog, Consumer Guide and AIT Website

1. **Introduction**

- a. American Institute of Trucking, subsequently referred to as AIT, cannot and will not tolerate any form of sex/gender-based harassment, sex/gender-based violence, sexual exploitation, sexual assault, dating or domestic violence and stalking. The aforementioned acts are collectively referred to as sexual misconduct.
- b. AIT is committed to maintaining a hostile free educational environment and campus by addressing sexual misconduct violations as outlined in this policy.

2. **Scope**

- a. AIT's Sexual Misconduct Policy outlines reporting, investigation, complaint resolution procedures and possible sanctions, it provides resources available to assist students in dealing with the impact of sexual misconduct and it reviews the school's prevention, education and training measures for all programs and locations.
- b. This policy is applicable to all AIT students, faculty, and staff regardless of sexual orientation or gender identity. In addition, it applies to such acts conducted by third parties that are directed toward an AIT community member.
- c. All AIT employees who become aware of an alleged violation of this policy are expected to notify the campus Title IX Coordinator with the names of the parties involved and the details of the incident. Confidential reporting can be made off campus to an individual with a professional license requiring confidentiality, such as an attorney, a member of the clergy, a medical practitioner, a social worker, and a mental health professional (*i.e. psychiatrist*).

NOTE: For greater details regarding Confidentiality, refer to #6c of this policy.

3. **Options for Assistance Following an Incident of Sexual Misconduct**

- a. Victims should immediately call emergency 9-1-1 for police assistance if they believe the situation warrants it. Offenses can and should all be reported to an AIT campus Responsible Employee or directly to the Title IX Coordinator.
 - i. Off-Campus Law Enforcement contact information:
 - **DENVER**
To Report a Crime (Commerce City Police): Call (303)287-2844
Online reporting: <https://www.c3gov.com/forms.aspx?fid=77>
To share information about a crime: Call Silent Witness 720-322-1262
 - **PHOENIX**
To report a crime (Phoenix Police): Call 602-262-6151
To share information about a crime: Call Silent Witness 480-WITNESS (948-6377)
Online reporting: <https://www.phoenix.gov/police/policereport>

- **LAS VEGAS**
For Non-Emergencies (Las Vegas Police): Call 702-633-9111
Online: <https://www.epolicereport.com/asp/pdweb.asp?pdkey=NV89030NLVDP>
- ii. After a sexual assault, it is very important that the victim receive medical attention to address any physical injuries and to screen for sexually transmitted diseases (STDs) and pregnancy.

DENVER

Rocky Mountain Urgent Care
 18240 E 104th Ave Commerce City, CO 80022
 (303)286-0027

North Suburban Medical Center
 9191 Grant St Thornton, CO 80229
 (303)451-7800

PHOENIX

NextCare Urgent Care (8am-8pm)
 5920 W McDowell Rd Phoenix, AZ 85035
 (623)245-0440

Banner University Medical Center
 1111 E McDowell Rd Phoenix, AZ 85006
 (602)893-2000

LAS VEGAS

Urgent Care Extra (8am-9pm)
 2202 W Craig Rd North Las Vegas, NV 89032
 (702)826-3200

University Medical Center (UMC)
 1800 W. Charleston
 (702)383-2000

- iii. Preserving DNA evidence from the assault is important. Every effort should be made to save anything that might contain the perpetrator's DNA, therefore a victim should not:
 - Bathe or shower
 - Use the restroom
 - Change clothes
 - Comb hair
 - Clean up the crime scene
 - Move anything the offender may have touched
 A sexual assault nurse examiner (SANE), sexual assault forensic examiner (SAFE) or another medical professional will conduct a forensic medical exam of the victim, but only if the victim gives permission. It is important to remember, that agreeing to a forensic medical exam does not require the victim to subsequently file a police report.

DENVER

Denver Health Medical Center (Michelle Metz)
 777 Bannock St
 Denver, CO 80204
 (303)436-6000

St. Anthony's Central (Nanette Delancy)
 2551 W 84th St
 Westminster, CO 80031
 (720)321-0000

PHOENIX

SANE Resources
 2400 E Arizona Biltmore Circle, Bldg. 4, Ste. 2430
 Phoenix, AZ 85016
 (623)695-0064

Steven Pitt & Associates (Tiffany Kirby)
 15849 N 71st St, Ste. 100
 Scottsdale, AZ 85254
 (480)281-1638

LAS VEGAS

University Medical Center (UMC)
 1800 W. Charleston Las Vegas, NV 89102
 (702)383-2000

b. Ongoing assistance such as counseling, advocacy and support can be found off campus both nationally and locally.

i. Contact Information:

- *National Sexual Assault Online Hotline*: online.rainn.org
- *National Sexual Assault Phone Hotline*: (800)656-HOPE (4673)

DENVER

Violence Hotline: (303)289-4441

Commerce City/Adams County Crisis Rape Hotline: (303)322-7273

*Rape Crisis Services
1330 Fox St, Suite 2
Denver, CO 80204
(303)839-0019*

PHOENIX

EMPACT Crisis Line: (480)-784-1514/(800)656-4673 (bilingual)

Crisis Services: (602)222-9444

Value Options Bilingual crisis line: (602)274-3360

*City of Phoenix Family Advocacy Center
2120 N Central Ave, #250
Phoenix, AZ 85004
(602)543-2120
www.phoenix.gov/fac*

*West Valley Advocacy Center
6830 N 57th Dr
Glendale, AZ 85301
(623)930-3720
www.glendaleaz.com/advocacycenter*

LAS VEGAS

24/7 Hotline: (702)366-1640

*The Rape Crisis Center
801 S Rancho Drive
Ste. B-2
Las Vegas, NV 89106
(702)385-2153*

*Family & Child Treatment of Southern Nevada
6431 W Sahara Ave
Ste. 200
Las Vegas, NV 98146
(702)258-5855*

ii. AIT will implement supportive and protective interim measures to ensure the safety and well being of a victim after receiving notice of Prohibited Conduct and prior to any final outcomes (investigatory, disciplinary, or remedial) have been determined. Interim measures may include: administrative actions (e.g., a “no contact” directive, interim suspension), academic modifications (e.g., changing of class time), or other measures designed to reasonably minimize the possible recurrence of, and mitigate the effects of, the alleged conduct.

4. **Title IX Coordinators**

a. The Title IX Coordinators’ primary responsibility is coordinating AIT’s efforts to comply with and carry out its responsibilities under Title IX, which purpose prohibits of interfering with any right or privilege pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education’s implementing regulations at 34 C.F.R Part 106. The Title IX Coordinator oversees the

campus' response to reports and complaints that involve possible sexual discrimination to monitor outcomes, identify and address any patterns, and assess effects and address issues that affect the campus' climate.

Phoenix Campus:
Brittany Hughes
440 S. 54th Ave
Phoenix, AZ 85043
(602)233-2222 x8212

Las Vegas Campus:
Verena McFadden
4020 E. Lone Mountain Rd
North Las Vegas, NV 89081
(702)644-0155 x8310

Denver Campus:
Beth Ulrich
9239 Brighton Rd
Henderson, CO 80640
(303)287-2234 x8410

NOTE: For greater details regarding the Title IX Coordinator's duties, refer to #7 of this policy.

5. Definitions

a. Sexual Misconduct policy terms defined:

- i. **Sexual Harassment** is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.
- ii. **Hostile Environment caused by Sexual Harassment** exists when sexual-based harassment is sufficiently serious to deny or limit the student's ability to participate in or benefit from AIT's programs or activities. A hostile environment can be created by anyone involved in the school's programs or activities (e.g., administrators, instructors, students, and campus visitors). In determining whether sexual-based harassment has created a hostile environment, the school considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed, but the school will also need to find that a reasonable person in the student's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment. To make the ultimate determination of whether a hostile environment exists for a student or students, the school considers a variety of factors related to the severity, persistence, or pervasiveness of the sexual-based harassment, including:
 - (1) Type, frequency, and duration of the conduct;
 - (2) Identity and relationships of persons involved;
 - (3) Number of individuals involved;
 - (4) Location of the conduct and the context in which it occurred, and
 - (5) Degree to which the conduct affected one or more students' education.

The more severe the sexual-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment likewise, a series of incidents may be sufficient even if the sexual-based harassment

is not particularly severe. AIT enforces this policy in a manner that respects the First Amendment rights of students, instructors, administrators, and others.

- iii. **Sexual Assault** is having or attempting to have sexual contact with another individual without consent or having or attempting to have sexual intercourse with another individual without consent.
 - iv. **Domestic Violence** is abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.
 - v. **Dating Violence** is abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - vi. **Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses.
 - vii. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or to suffer substantial emotional distress.
 - viii. **Retaliation** in any way against a person or persons because they have opposed any practices forbidden under this policy or have filed a report, assisted, or participated in any manner in an investigation or proceeding is a violation under this Policy. This includes action taken against a bystander who intervened to stop or attempted to stop discrimination, harassment, sexual misconduct, interpersonal violence, or stalking. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.
 - ix. **Intimidation** is intentional behavior that would cause a person of ordinary sensibilities to fear of injury or harm.
- b. Additional terms defined:
- i. **Consent** is a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent and past consent does not imply future consent. Silence or an absence of resistance does not imply consent nor does consent to engage in sexual activity with one person imply consent to engage in sexual activity with another. Consent can be withdrawn at any time and coercion, force, or threat of either invalidates consent.
 - ii. **Incapacitation** is the hindrance from having the capacity to give consent such as due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability.

6. **Reporting Policies and Protocols**

- a. Students are able to disclose violations of this policy to an available AIT Responsible Employee, including the Title IX Coordinator by phone, in person by mail or by email.
- b. Alternatively, criminal behavior of any kind can always be reported in the form of a criminal complaint to the area's local police department.

c. AIT encourages victims of sexual misconduct to talk to someone about what happened. By talking to someone, it allows victims to get the support they need and gives AIT the ability to respond appropriately.

i. *A Responsible Employee* is any employee who has the authority to take action to redress sexual misconduct; who has been given the duty of reporting incidents of sexual misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. The following employees are AIT's Responsible Employees:

PHOENIX CAMPUS:

440 S. 54th Ave
Phoenix, AZ 85043
(602)233-2222

*After Hours: (602)320-5577

- Penny Mitchell, Director of Financial Aid
Ext: 8210 **Email:** pmitchell@ait-schools.com
- Brittany Hughes, Associate Director of Financial Aid/Title IX Coordinator
Ext: 8212 **Email:** adfa@ait-schools.com
- Renee Peace, Manager of Financial Aid Packaging
Ext: 8211 **Email:** corpfaa@ait-schools.com
- Kirk Lehnus, Director of Training
Ext: 8225 **Email:** phxdot@ait-schools.com
- Lorraine Biddlecome, Director of Student Records
Ext: 8226 **Email:** lbiddlecome@ait-schools.com
- Debbie Maynes, Director of Admissions
Ext: 8231 **Email:** phxadoa@ait-schools.com
- Michael Mattison, Director of Career Services
Ext: 8225 **Email:** phxcsd@ait-schools.com

LAS VEGAS CAMPUS:

4020 E. Lone Mountain Rd
N. Las Vegas, NV 89081
(702)644-1234

*After Hours: (702)481-2951

- Verena McFadden, Financial Aid Administrator
Ext: 8310 **Email:** nlvfaa@ait-schools.com
- Tim "TC" Conner, Director of Admissions
Ext: 8305 **Email:** nlvdoa@ait-schools.com
- John Clark, Director of Career Services
Ext: 8315 **Email:** nlvcs@ait-schools.com
- Clifton Ellis, Director of Training
Ext: 8325 **Email:** nlvdot@ait-schools.com

DENVER CAMPUS:

9239 Brighton Rd, Unit #201
Henderson, CO 80640
(303)287-2234

*After Hours: (303)968-7647

- Beth Ulrich, Financial Aid Administrator
Ext: 8410 **Email:** dnvfaa@ait-schools.com
- Jason Bowen, Director of Training
Ext: 8425 **Email:** dnvdot@ait-schools.com

ii. Before a victim reveals any information to a Responsible Employee, the employee is to ensure that the victim understands the employee's reporting obligations, and if the victim wants to maintain confidentiality, direct the victim to confidential resources. If a victim discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, AIT must weigh that request against its obligation to provide a safe, non-

discriminatory environment for all students, including the victim. The following range of factors will be considered;

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

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

- d. In compliance with the Clery Act, AIT must disclose accurate and complete crime statistics for incidents that are reported to Campus Security authorities and local law enforcement as having occurred on or near the campus.
- e. Any third-party or anonymous report must be reported to the Title IX Coordinator as soon as possible. The Title IX Coordinator will then collect any needed information, record the incident, and investigate further so that the proper protocols are followed, including confidentiality procedures.
- f. AIT will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or AIT employees, is prohibited and will not be tolerated.
- g. AIT offers amnesty to reporting parties, witnesses, and other individuals who may be hesitant to report or share information because of a fear that they themselves may be accused of minor policy violations, like drinking and/or drug use that occurred at the time of the incident. By acting in good faith and disclosing an act of violence, students will not be held accountable for Code of Conduct and/or policy violations.

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

7. Investigating Procedures and Protocols
 - a. The Title IX Coordinator will determine if there is a need for a formal investigation of the reported charges. If it is deemed to be necessary, the local police department will be contacted and an offsite Title IX expert will be retained to conduct the investigation.
 - b. The investigation will be initiated immediately and local authorities and Title IX expert notified that day or the next business day. Preserving the evidence will be at the discretion of the police department and the provided Title IX expert.
 - c. Preserved evidence may be used in an investigation or criminal proceedings. While evidence can be collected and preserved via medical examinations, victims can take steps to preserve evidence as well.

NOTE: For greater details regarding preserving evidence, refer to #3aiii of this policy.

8. **Grievance/Adjudication Procedures**

- a. AIT will use the preponderance of evidence, (i.e. whether it is more likely than not) standard that this policy has been violated by the conduct alleged, in any Title IX fact-finding and related proceedings, including any hearings. Mediation will not be used as a means to address or resolve cases of sexual assault or other sex/gender based violence.
- b. Legal counsel will advise the adjudication panel on determining whether the alleged sexual misconduct occurred. Penny Mitchell (Director of Financial Aid), Kirk Lehnus (PHX Director of Training) and Michael Mattison (PHX Director of Career Services) will make the final determination and assign sanctions at the hearing. This will be a 2 out of 3 vote.
 - i. Both parties may submit in writing any issue with potential conflicts of interest and it will be reviewed by the Title IX Coordinator.
 - ii. Both parties and creditable witnesses may attend and testify in the adjudication process. However' the victim will only be questioned by the hearing panel. There will be no cross examination. The defense must submit questions to the hearing panel to present to the victim prior to the hearing.
 1. History of the victim's sexual activities is not relevant. Evidence of a prior consensual dating or sexual relationship between both parties does not imply consent or preclude a finding of sexual misconduct.
- c. The sanctions imposed may consist of, but not limited to suspension, expulsion, or change of academic schedule, clocked hours, and additional remedies for benefit of the victim and school community.
- d. Both parties will receive simultaneous written notice of the outcome of the complaint.
- e. Appeals are not permitted

9. **Prevention and Education**

- a. AIT is committed to educating its community about sexual misconduct and taking the necessary steps in prevention. Multiple resources can be found within this policy, AIT website, school catalog and Consumer Guide.

- b. This policy is distributed to all students, faculty, and staff by means of the AIT website, school catalog and Consumer Guide.

10. **Training**

- a. At a minimum, the Title IX Coordinator, Responsible Employees, and anyone else who is involved in responding to, investigating or adjudicating sexual misconduct is required to be informed of this policy and receive adequate training.
- b. Training consists of an annual review of VAWA policies and procedures and all aforementioned individuals are required to be fully knowledgeable on the VAWA requirements and are to treat VAWA prevention and reporting as a serious on going concern. AIT is focused on providing a safe and secure campus for its students and is diligently working toward continued improvement on VAWA policies and procedures.