

HVAC Technical Institute

Standard Operating Procedure 702G
Sexual Misconduct and VAWA Policy
Date Implemented:
Revised Date:
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PURPOSE

Our Sexual Misconduct and VAWA Policy was created to ensure the safety of all who participate in campus and applies to all students, staff, faculty and visitors. A copy of our Sexual Misconduct Policy and/or Annual Security Report, can be printed in the office or found online.

HVAC Tech is firmly committed to providing equal opportunity and an environment free of all forms of improper or unlawful harassment, discrimination, and violence in its educational programs and activities, including admissions and employment practices. Our institution has zero tolerance for any sexual assault, discrimination, or sexual misconduct committed in our campus.

HVAC Tech complies with Title IX of the Education Amendments of 1972, Titles VI and VII of the Civil Rights Act of 1964, Violence Against Women Reauthorization Act (VAWA). HVAC Tech will not tolerate any discrimination, harassment or violence of any kind including, but not limited to, discrimination, harassment, or violence based on sex/gender (including pregnancy and childbirth), sexual orientation, gender identity, gender expression, nonconformity with sex stereotypes, age, national origin, disability, veteran status, or any category protected by federal, state, or local law.

POLICY

- 1) HVAC Tech Title IX Coordinator is responsible for oversight of all sexual misconduct complaints.
- 2) To file a complaint with HVAC Tech for a conduct violation of this policy including, but not limited to, sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence or stalking, individuals may contact the Title IX Coordinator.
- 3) Reports can also be made directly to the Department of Education's Office for Civil Rights (OCR). Individuals can find the appropriate office at by contacting the OCR Headquarters at:
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
800-421-3481.
- 4) Reports can also be made to an HVAC Tech faculty member, and a staff member. Please note that responsible employees cannot keep complaints confidential and are required to report any instances of alleged sexual misconduct to the Title IX Coordinator.
- 5) Retaliation against a person for filing a complaint or participation in an investigation will not be tolerated. Disciplinary action up to and including suspension, expulsion, or termination may be taken for retaliatory actions
- 6) Confidentiality
 - i. HVAC will maintain the confidentiality and protect the identity of any complaint and other necessary parties to the maximum extent possible. Confidentiality means that HVAC Tech will not disclose the identity of the individual reporting the concern or allegation unless it is determined during the course of the investigation that it unavoidable or that HVAC Tech is required by law to disclose the information.
 - ii. Faculty members, advisors, administration, and all HVAC Tech faculty and staff members are "responsible employees". This means that they are required to report any disclosures of sexual misconduct (including the identities of both the victim and the alleged perpetrator) to the Title IX Coordinator who with HVAC Tech will investigate the incident and take appropriate actions to address the situation.

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- iii. Individuals seeking professional counseling will have their information kept in confidence. Even if an individual gives the professional counselor permission to release his or her identity, the counselor may only report the occurrence of the event itself to be included in the annual crime Statics, unless otherwise required by law.
 - iv. In order to ensure the safety of the staff and faculty, disclosure of some details of a sexual misconduct complaint may be necessary. The details may include, but are not limited to, when and where the misconduct occurred, and other details necessary to ensure the safety of HVAC Tech. The Title IX Coordinator is responsible for determining confidentiality on a case by case basis
- 7) HVAC Tech discloses information about crime on and near our school as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") in the Annual Security Report. However, HVAC Tech does not disclose personally identifiable information in its public Crime Log

COUNSELING, ADVOCACY, AND SUPPORT

- 1. Currently enrolled students are provided with a Sexual Misconduct Prevention Pamphlet during orientation containing information on rape prevention, sexual assault, dating violence and domestic violence.
- 2. Full Time employees have access to confidential counseling through Insperity's Human Resource Program, Employee Assistance Program (EAP), which can be accessed by calling 866-402-0003.
- 3. Financial Aid Related services and information, such as information about how to apply for a leave of absence or about options for addressing concern about loan repayment terms and conditions can be obtained by contacting HVAC Tech finance advisor. A change on his or her class schedule (or work schedule if an employee), withdraw from class without financial or academic penalty may be granted. As well as class accommodation may be granted, such as additional time to submit assignment or allowing a test to be take separately form the class.
- 4. During the investigation, HVAC Tech may also take interim measures, such as issuing a No Contract Order, which orders to insure the well-being of all parties and/or the integrity of the investigation process by:
 - removing a student or faculty member from class,
 - interim suspension,
 - changing a student, faculty member, or employee's schedule or class/work location,
 - placing an employee on administrative leave.
- 5. All accommodations will be made on a case by a case basis and will ensure all of those involved will be comfortable with the adjustments agreed upon.
- 6. An institution under the jurisdiction of the Department of Education may not intimidate, threaten, coerce, or retaliate against anyone who assert a right protected by civil right laws that OCR enforces, or who cooperates in an investigation. Anyone who believes that the or she been intimidated or retaliated against should file a complaint with OCR.
- 7. If you believe the school does not process your incident or case, you are advised to contact the Office for Civil Rights:

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OCR in Chicago:

U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544

OCR Headquarters:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

INVESTIGATION PROCEDURE AND PROTOCOLS

- 1) HVAC Tech will promptly, thoroughly and impartially investigate all Title IX cases in a professional manner. We shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student does not give consent for an investigation, HVAC Tech will weigh the student's request for confidentiality against the impact on the school's safety to determine whether an investigation must proceed.
- 2) HVAC Tech strives to complete any investigation, hearing, appeal, and sanctions or actions as a result of the process within sixty (60) days. However, if the process exceeds that sixty (60) day time frame, the investigator or Title IX Coordinator will contact the complainant and respondent in writing to explain the reason for the delay.
- 3) Parties involved in a Title IX investigation may be asked to preserve evidence, including, but not limited to, emails, text messages, or other documents. Knowingly destroying evidence related to a Title IX investigation may be a violation of policy, for which disciplinary action may be taken. The preponderance of the evidence standard will apply to investigation, meaning HVAC Tech will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties may have one other person (including an attorney, if desired) present at any proceedings or meetings related to alleged offense. Both parties will receive written notice of the outcome of the complaint.
- 4) Information obtained through the course of a Title IX investigation may be shared with law enforcement, if requested. Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with alleged harassment.
- 5) During the investigation, HVAC Tech will provide interim measures, as necessary, to protect the safety and well-being of student and/ or employees involved. If HVAC Tech determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and the school will take steps to prevent the recurrence of any harassment or discrimination, including changing a victim's academic situation after an alleged sex offense, and the options for those changes if those changes are requested by the victim and are reasonably available.
- 6) Any employee determined by HVAC Tech to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away suspension or expulsion. Student and employees have option to notify appropriate law enforcement agencies, and the school will assist as requested. To initiate a criminal investigation, reports of sexual violence should be made to "911" or local law enforcement. The criminal process is separate from HVAC Tech disciplinary process.
- 7) If a student is a victim or a witness to a sexual misconduct or any criminal activity at HVAC Tech, they can come into the office, and with the Title IX coordinator, and fill out a report. All information given

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will be given to the authorities and/or the Director if the student permits it. The Title IX will then offer services from various organizations to who can further help the student to.

SECURITY AWARENESS AND CRIME PREVENTION

Our Sexual Misconduct Prevention details how our school informs students how to stay safe and prevent any sexual assault from occurring in our school or in the surrounding areas. It details various definitions of what is considered to be a violation against our Sexual Misconduct Policy and what steps to take in the unfortunate event as assault does occur.

During orientation, on the first day of class, students go over the student handbook; during this orientation, there is a section in the handbook that covers how to be safe from sexual assaults. The handbook offers public services and resources in the unfortunate case that they become victims or witness a sexual assault.

TITLE IX COORDINATOR

The Title IX Coordinator reports to the Director and is responsible for investigating, and resolving any reports of sexual misconduct. The Title IX Coordinator can be contacted by telephone, email, or in person during regular office hours.

The Title IX Coordinator is:

Sandy Barco
4532 S. Kolin Avenue (2nd floor)
Chicago, IL 60632
773-927-9562

Hours: Monday – Wednesday 9:00AM to 7:00PM
Thursday 9:00AM to 3:00PM
Friday 9:00 to 12:00PM