

Notice of Non-Discrimination on The Basis of Gender

Vista College/Computer Career Center, A Division of Vista College

1. Institutional Commitment

Vista College and Computer Career Center, a Division of Vista College (herein known as “the Institution”) is committed to maintaining a learning environment that is free from inappropriate conduct based on gender. As required by Title IX, the Institution does not discriminate on the basis of sex in its education programs and activities, and it encourages any student who thinks that he or she has been subjected to sex discrimination, sexual harassment (including sexual violence) or sexual misconduct by another student, member of the faculty or staff, or campus visitor or contractor, to immediately report the incident to the individuals listed below.

2. Policy Statement

It is Institutional policy to provide an educational and working environment for its students, faculty, and staff that is free from sex and gender discrimination and sexual harassment. In accordance with federal and state law, the Institution prohibits discrimination on the basis of sex and gender, including sexual harassment. Sex and gender discrimination and sexual harassment will not be tolerated, and individuals who engage in such conduct will be subject to disciplinary action as detailed in the School Catalog. The Institution encourages students, faculty, staff, and visitors to promptly report incidents of sex and gender discrimination and sexual harassment.

Scope

This policy applies to visitors, applicants for admission to or employment with the Institution and students and employees of the Institution who allege sex discrimination, including sexual harassment, by Institution employees, students, visitors, or contractors. All visitors, applicants for admission to or employment with the Institution, and students and employees of the Institution are required to cooperate in any Institution-led investigation or inquiry into a complaint made under this policy.

Definitions

- **Complaint.** A signed document or other report, including verbal reports, alleging a violation of this policy.
- **Complainant.** A person who submits a complaint alleging a violation of this policy.
- **Respondent.** The person designated to respond to a complaint. Generally, the respondent would be the person alleged to be responsible for the prohibited discrimination or sexual harassment alleged in a complaint. The term "respondent" also may be used to designate persons with direct responsibility for a particular action or those persons with administrative responsibility for procedures and policies in those areas covered in a complaint.
- **Notification.** Occurs two days after the date of posting of any properly addressed document in the United States mail, properly addressed, or upon the date of receipt of any document. Written communications to a complainant are properly addressed when sent to the address given in the complaint or the address currently on file with the Institution.
- **Sex Discrimination (which includes Sexual Harassment).** Conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects the individual or group's employment or education on the basis of sex.
- **Sexual Harassment.** Unwelcome conduct of a sexual nature.

3. Where to Report

Students, employees, campus visitors and contractors may directly report incidents of sex discrimination, sexual harassment (including sexual violence) and sexual misconduct to any of the Title IX coordinators listed below.

A person who believes that he or she has been subjected to sex discrimination or sexual harassment should report the incident to any Institutional official, administrator, supervisor, or the Title IX Coordinator. Students are encouraged to report such incidents to the Senior Vice President of Compliance; employees and campus visitors are encouraged to report to the Executive Vice President of Human Resources. Reports of sex discrimination or sexual

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harassment can be made to the Institution at any time, however, the Institution encourages individuals to report such incidents as soon as possible after the date of the alleged incident so prompt action can be taken to investigate and resolve the complaint.

No person is required to report sex discrimination or sexual harassment to the alleged offender.

- **Institutional Title IX Coordinator (including Students)**
Ms. Jody Cohen
Senior Vice President of Compliance
Education Futures Group
300 N. Coit Rd, Suite 1400
Richardson, TX 75080
214-755-5182
jcohen@vistacollege.edu
- **Deputy Title IX Coordinator for Employees, Visitors and Contractors**
Ms. Stacy Dorsey
Executive Vice President of Human Resources
Education Futures Group
300 N. Coit Rd, Suite 1400
Richardson, TX 75080
972-741-4715
sdorsey@vistacollege.edu

4. **Referral Responsibility**

Every supervisor, administrator, and Institutional official is responsible for promptly reporting incidents of sex discrimination and sexual harassment that come to his or her attention to either the Senior Vice President of Compliance or the Executive Vice President of Human Resources. Where a supervisor, administrator or Institutional official is concerned about the conduct of a particular Institution employee but no specific complaint has been made, such concerns may be forwarded to the Executive Vice President of Human Resources for discussion and potential investigation. Additionally, students and employees can also contact In-Touch Hotline at 877-241-0084. In-Touch is a confidential, anonymous, toll-free number for students and employees to use to report any unethical or questionable behavior.

Complaints or allegations of student-on-student sex discrimination, sexual harassment (including sexual violence) or sexual misconduct will be handled by the Senior Vice President of Compliance.

Students may also contact the U.S. Department of Education, Office for Civil Rights to complain of sex discrimination or sexual harassment including sexual violence; see:

<http://www.hhs.gov/ocr/civilrights/complaints/index.html>

Complaints of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct by non-students will be handled by the Institution's Executive Vice President of Human Resources.

5. **General Policy Guidelines**

a. **Resolution Options**

A person who believes that s/he has been subjected to sex discrimination or sexual harassment and seeks to take action may use either the informal resolution process or the formal complaint process, or both. The informal resolution and formal complaint resolution process outlined in this policy are not mutually exclusive and neither is required as a pre-condition for choosing the other. However, they cannot be used

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simultaneously. Additionally, use of the informal resolution process is not available in cases involving sexual violence.

b. **Institutional Responsibility**

If sufficient information is provided to reasonably indicate an offense occurred, the Institution may investigate an alleged incident even if no complaint is made.

c. **Resolution Procedure**

i. **Informal Resolution**

Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process. A request for informal resolution should normally be made within ninety (90) days of the date of the alleged incident to either the Senior Vice President of Compliance or Executive Vice President of Human Resources, who shall determine whether the nature of the problem is such that it can be resolved by agreement on an informal basis, and if so, which office will do so. Methods for informal resolution may include, but are not limited to: coaching the person on how to directly address a situation which is causing a problem; aiding in the modification of a situation in which the offensive conduct occurred; assisting a department or division with the resolution of a real or perceived problem; or arranging a documented meeting with the alleged offender that involves a discussion of the requirements of the Policy. The Institution shall document any informal resolution. Such documentation shall be retained by the Senior Vice President of Compliance or the Executive Vice President of Human Resources as appropriate and will be kept confidential to the extent permitted by law. An informal resolution meeting shall not be considered a precondition for entering into the formal complaint resolution process described below.

ii. **Formal Complaint Resolution**

1. **Complaint**

A complaint alleging sex discrimination or sexual harassment should be submitted, preferably in writing, to the Senior Vice President of Compliance or the Executive Vice President of Human Resources. The complaint should contain the following information:

- Name of the Complainant(s);
- Contact Information, including address, telephone, and e-mail;
- Name of person(s) directly responsible for alleged violation(s);
- Date(s) and place(s) of alleged violations;
- Nature of alleged violation(s) as defined in this policy;
- Detailed description of the specific conduct that is the basis of alleged violation(s);
- Copies of documents pertaining to the alleged violation(s);
- Names of any witnesses to alleged violation(s);
- Action requested to resolve the situation;
- Complainant's signature and date of filing; and
- Any other relevant information.

The lack of information, such as but not limited to, the kinds or types listed above, may impact the Institution's ability to fully investigate a complaint.

2. **Time Limit**

A complaint should normally be filed within ninety (90) calendar days of the occurrence of the alleged violation. However, circumstances may allow for an inquiry into alleged incidents outside the ninety (90) day period. In the case of a currently enrolled student, if the last day for filing a complaint falls prior to the end of the grading period in which the

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alleged violation occurred, then the complaint may be filed within thirty (30) calendar days after the end of that grading period.

3. **Acknowledgement**

Within five (5) working days after receipt of a complaint, the Senior Vice President of Compliance or Executive Vice President of Human Resources, as appropriate, will send the complainant a brief acknowledgement of the complaint, stating that the complaint will be evaluated, and advising the complainant(s) that he or she will be contacted within a given time. The acknowledgment letter will include a copy of these complaint procedures.

4. **Complaint Evaluation**

A formal investigation will be initiated if a complaint is complete, falls within the scope of this policy, and articulates sufficient specific facts, which, if determined to be true, would support a finding by the greater weight of the credible evidence that this policy was violated. The Institution may choose not to proceed with a complaint investigation under a variety of circumstances, if, for instance, such as when:

- a person fails to provide a complaint;
- a complaint fails to describe in sufficient detail the conduct that is the basis of the complaint;
- the conduct described in the complaint is not covered by this policy;

If it is determined that the Institution will not proceed with a complaint investigation, the Senior Vice President of Compliance or Executive Vice President of Human Resources, as appropriate, will send a notification letter explaining the reason(s) to the complainant, with a copy to the alleged offender. The notification letter will also include a statement informing the complainant that, within ten (10) working days of the notification, he or she may appeal the determination not to proceed with a complaint investigation to the Chief Operating Officer, as appropriate. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint was in error. The Chief Operating Officer will respond within twenty (20) working days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision is overturned, the complaint is sent back to the Senior Vice President of Compliance or Executive Vice President of Human Resources, as appropriate for investigation in accordance with the procedures outlined below.

5. **Notification of Respondent**

If it is determined that the Institution will proceed with a complaint investigation, the Senior Vice President of Compliance or Executive Vice President of Human Resources, as appropriate will give the respondent written notification of the complaint investigation, with a copy to the complainant. The notification letter will include a copy of any written complaint or a statement setting out the complaint. The notification letter will provide the respondent an opportunity to submit a written response to the allegations within ten (10) working days, unless unusual circumstances warrant additional time. The notification letter will include a statement advising the respondent that retaliation against the complainant is prohibited and will subject the respondent to appropriate disciplinary action.

6. **Investigation Responsibility**

The Senior Vice President of Compliance is responsible for conducting formal investigations of complaints against students alleging sexual discrimination and sexual

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harassment. The Executive Vice President of Human Resources is responsible for conducting formal investigations of complaints against non-students alleging sexual discrimination and sexual harassment. If a complaint is directed against an individual who would otherwise play a role in investigating and attempting to resolve the complaint, the function assigned to that person by these procedures will be delegated to another person.

7. **Investigative Process and Findings**

The investigator will interview both the complainant and the respondent(s) and persons who are considered to have pertinent factual information related to the complaint. The investigator shall also gather and examine documents relevant to the complaint. Findings will be based on the totality of circumstances surrounding the conduct complained of, including but not limited to: the context of that conduct, its severity, frequency, whether it was physically threatening, humiliating, or was simply offensive in nature.

8. **Representation**

During the complaint process, the complainant(s) and the respondent(s) may designate and thereafter be accompanied by an adviser of his or her choosing at meetings and interviews at which he or she is present; however no representative may examine witnesses or otherwise actively participate in a meeting or interview.

9. **Submission of Evidence**

During the complaint investigation process, the complainant(s) and the respondent(s) may provide the Senior Vice President of Compliance or the Executive Vice President of Human Resources as appropriate, all documents relied upon or otherwise relevant to the issues raised in the complaint. Other evidence obtained by the Senior Vice President of Compliance or the Executive Vice President of Human Resources will be reviewed as appropriate.

iii. **Report of Findings and Recommendation (Complaints Against Non-Students)**

1. The Executive Vice President of Human Resources will provide a proposed statement of findings, copies of relevant documents and any physical evidence considered to the respondent's direct supervisor within 30 calendar days of receipt of the respondent's statement unless unusual circumstances dictate additional time is needed. The direct supervisor in conjunction with the Chief Operating Officer and the Executive Vice President of Human Resources is responsible for disciplining or otherwise sanctioning an individual found to be in violation of this policy. If the direct supervisor is found to be in violation of this policy, the responsibility for disciplining or otherwise sanctioning the direct supervisor falls to the Chief Operating Officer and the Executive Vice President of Human Resources.
2. The Executive Vice President of Human Resources will promptly notify the complainant and the respondent, with a copy to the Title IX Coordinator, that investigation has been completed and attach a copy of the proposed statement of findings. Personally identifiable information, if any, which is confidential by law, will be redacted. Within ten 10 calendar days from the date of notification, the complainant and respondent may each submit, for consideration by the Executive Vice President of Human Resources, such comments and corrections as they may have.
3. Within 15 calendar days of the notification to the complainant and the respondent that the investigation has been completed, the Executive Vice President of Human Resources and

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the investigator shall meet to discuss the findings and review the record, along with any comments and proposed corrections submitted by the complainant and respondent.

4. Within 15 calendar days from the meeting described in subsection 3 above, the Executive Vice President of Human Resources shall take one of the following actions: 1) request further investigation into the complaint; 2) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable credible evidence to support the allegation(s); or, 3) find that the policy was violated.
5. If the Executive Vice President of Human Resources determines that the policy was violated, he or she following consultation with the investigator or other knowledgeable persons as appropriate shall determine a disciplinary action that is appropriate for the severity of the conduct. Disciplinary actions can include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension without pay, and termination.
6. The Executive Vice President of Human Resources shall inform the complainant and respondent, and the appropriate unit head in writing of his or her decision, and shall attach a copy of the final statement of findings. Copies of the Executive Vice President's letter, the attached statement of findings, and relevant documents shall also be sent to the Title IX Coordinator.

iv. **Report of Findings and Recommendations (Complaints Against Students)**

1. The investigator will provide a proposed statement of findings, copies of relevant documents and any physical evidence considered to the Senior Vice President of Compliance within 30 calendar days of receipt of the respondent's statement, unless unusual circumstances dictate additional time is needed.
2. The Senior Vice President of Compliance and the investigator shall meet within 15 calendar days to discuss the findings, and review the record.
3. Within 15 calendar days from the meeting described in subsection 2 above, the Senior Vice President of Compliance shall take one of the following actions: 1) request further investigation into the complaint; 2) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or 3) proceed with disciplinary action. Disciplinary actions can include, but are not limited to, documented warning, the imposition of conditions, probation, suspension, and expulsion.
4. As required by federal law, any disclosure of the findings and decision of the Senior Vice President of Compliance will be governed by the provisions of the Family Educational Rights and Privacy Act (FERPA).

d. **Retaliation Prohibited**

- i. A student, faculty or staff member who retaliates in any way against an individual who has brought a complaint pursuant to this policy or participated in an investigation of such a complaint, is subject to disciplinary action, up to and including dismissal from the Institution.

e. **Filing of False Complaints**

- i. Any person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action up to and including dismissal from the Institution.

f. **Effect on Pending Personnel Actions**

- i. The filing of a sex discrimination, sexual harassment, or retaliation complaint will not stop or delay any evaluation or disciplinary action related to the complainant who is not performing up to acceptable standards or who has violated Institution rules or policies.

g. **Relationship of Complaint Process to Outside Agency Time Limits**

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- i. The filing of a sex discrimination or sexual harassment complaint under this policy does not excuse the complainant from meeting the time limits of outside agencies.
- h. **Title IX Grievance Procedure**
 - i. This complaint procedure shall also constitute the grievance procedure for complaints alleging unlawful sex discrimination required under Title IX of the Education Amendments of 1972. As used herein, "complaint" is synonymous with "grievance".
- i. **Time Frames**
 - i. Time frames mentioned in these procedures may be extended for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an due to difficulties reaching witnesses or parties to the complaint, or as fairness requires.
- j. **Documentation and Confidentiality**
 - i. The Institution shall maintain documents related to complaints under this policy as required by law. The Senior Vice President of Compliance shall be primarily responsible for records related to complaints against students. The Executive Vice President of Human Resources shall be primarily responsible for records related to complaints against non-students. The confidentiality of a complaint under this policy and all documents, correspondence, interviews and discussions relating to the investigation of the information contained in a complaint will be maintained on a need to know basis to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information contained in a complaint or otherwise relating to the investigation of a complaint under this policy is subject to disciplinary action.
- k. **Consensual Relationships**
 - i. Participation of a supervisor, teacher, or adviser, in a consensual romantic or sexual relationship with a subordinate employee or student in all cases creates a prohibited conflict of interest that must be addressed under the policy on consensual relationships (See Employee Handbook).
- l. **Counseling and Health Services** (*all services provide confidential, professional assistance*)
 - i. Counseling and health services are available to Institution administrators, faculty, staff and students, including victims of sexual harassment or assault.
 1. For Students all services listed below are available to victims regardless of whether or not he/she chooses to report the incident to law enforcement.
 - Sexual Assault Legal Services (888-343-4412)
 - Arkansas Crisis Intervention Center, <http://www.fscic.org/>, 800-359-0056
 - Texas Association Against Sexual Assault; <http://taasa.org> or call 512-474-7190
 - La Pinon Sexual Assault Recovery Service of Southern New Mexico; www.lapinon.org, 888-595-7273
 - a. RAINN (Rape, Abuse and Incest National Network); 800-656-HOPE (4673).
 2. For Employees
 - Employee Assistance Program (EAP); www.behavioralhealthsystems.com; 800-245-1150

For assistance: Questions regarding this policy should be directed to the Senior Vice President of Compliance or Executive Vice President of Human Resources.