



**POLICY ON SEXUAL AND
GENDER-BASED
HARASSMENT AND OTHER
FORMS OF INTERPERSONAL
VIOLENCE**

STATEMENT OF POLICY

Elite Welding Academy (EWA) and Elite Pipe Welding Academy (EPWA), wherever located, is an institution built upon honor, integrity, TRUST, AND RESPECT. Consistent with these values, EWA/EPWA is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of its community. EWA/EPWA does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate Title IX of the education Amendments of 1972 (“Title IX”); Title VII of the Civil rights Act of 1964 (“Title VII”). Such behavior also requires the school to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).

EWA/EPWA is committed to providing a work and school environment free of unlawful harassment or discrimination. In furtherance of this commitment, all students and employees are required to take our mandatory Sexual Harassment and Prevention Training upon starting with the school and generally every year thereafter. School policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. Additionally, in accordance with Title IX of the Education Amendments of 1972, EWA/EPWA has jurisdiction over Title IX of the Education Amendments of 1972, the EWA/EPWA has jurisdiction over Title IX complaints.

EWA/EPWA’s anti-harassment policy applies to all persons involved in the operation of EWA/EPWA, and prohibits unlawful harassment by any employee of EWA/EPWA, as well as students, customers, vendors or anyone who does business with EWA/EPWA. It further extends to prohibit unlawful harassment by or against students. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom EWA/EPWA does business engages in unlawful harassment or discrimination, EWA/EPWA will take appropriate corrective action.

As part of EWA/EPWA commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to EWA/EPWA community through publications, EWA/EPWA website, new employee orientations, student orientations, and other appropriate channels of communication. EWA/EPWA provides training to key staff members to enable EWA/EPWA to handle any allegations of sexual harassment or sexual violence promptly and effectively. EWA/EPWA will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that policy.

AWARENESS PROGRAMS

Awareness programs consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. EWA/EPWA specific annual awareness programs are:

Ongoing Prevention and Awareness Campaigns

EWA/EPWA promote ongoing prevention and awareness campaigns consist of programming, initiative, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing Prohibited conduct, using a range of strategies with audiences throughout the school. EWA/EPWA specific ongoing prevention and awareness campaigns are:

RISK REDUCTION

Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment in an effort to promote safety and to help individuals and communities address conditions that facilitate violence. EWA/EPWA specific risk reduction programs are:

DEFINITIONS:

Sexual Assault consists of (1) Sexual Contact and/or (2) Sexual Intercourse that occurs without Affirmative Consent.

Sexual Contact is:

- Any intentional sexual touching, however, slight,
- With any object or body part (as described below)
- Performed by a person upon another person

Sexual Contact includes (a) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (b) making another touch you or themselves with or on any of these body parts.

Sexual Intercourse is:

- Any penetration
- However slight
- With any object or body part (as described below)
- Performed by a person upon another person

Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) an contact, no matter how slight, between the mouth of one person and the genitalia of another person.

Affirmative Consent is:

- Informed (knowing)
- Voluntary (freely given)

- Active (not passive), meaning that through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed – upon sexual activity
- Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once Consent is withdrawn, the sexual activity must stop immediately.

Affirmative Consent cannot be obtained by Force. Force includes (a) the use of physical violence, (b) threats, (c) intimidation and /or (d) coercion.

Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contract or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive.

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.

Sexual Violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Domestic Violence is defined as 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.

Sexual Assault occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Bystander Intervention

Bystander intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of an occurrence of Prohibited Conduct. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

PROHIBITED CONDUCT

This policy strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence, as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical or visual conduct based on sex gender, race, age, national origin, disability or any other legally protected basis if:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- ii. Submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's education or employment; or
- iii. It creates a hostile or offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student's ability to participate or benefit from the student's education program.

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person's body. Gender-based harassment, including acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

COMPLAINT/GRIEVANCE PROCEDURE

If you believe that you have experienced or witnessed harassment or sexual violence, notify your instructor, supervisor, Human Resources, or the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with EWA/EPWA is exempt from the prohibitions in this policy. Supervisors will refer all harassment complaints to the Title IX Coordinator for student-related complaints to the Title IX Coordinator for student-related complaints and to the Human Resources Department if the complaint involves an employee. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses.

All complaints involving a student will be referred to the campus's Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX

complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Title IX Coordinator:

School Director / 513.265.4761 / 513.454.3215

EWA/EPWA ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how EWA/EPWA grievance procedures operate. Because complaints can also be filed with an employee's supervisor or Human resources, these employees also receive training on EWA/EPWA grievance procedures and any other procedures used for investigating reports of sexual harassment.

INVESTIGATION OF COMPLAINTS

In response to all complaints, EWA/EPWA promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. EWA/EPWA 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, EWA/EPWA will weigh the student's request for confidentiality against the impact on EWA/EPWA safety to determine whether an investigation must proceed. 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 the alleged harassment.

The preponderance of the evidence standard will apply to investigations, meaning EWA/EPWA will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint.

During the investigation, EWA/EPWA will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved.

Initial Assessment

Upon receipt of a report of Prohibited Conduct committed by a Student, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. In this initial assessment, the Title IX Coordinator will:

- A. Assess the Complainant's safety and well-being and offer EWA/EPWA immediate support and assistance;
- B. Inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- C. Inform the complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- D. Inform the Complainant about school and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures. Said resources include written information on available

counseling, mental health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid.

- E. Explain EWA/EPWA prohibition against Retaliation and that the school will take prompt action in response to any act of Retaliation;
- F. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/or any other third party with knowledge of the reported incident;
- G. Ascertain the ages of the Complainant and the Respondent, if known, and, if either of the parties is a minor (under 18), contact the appropriate child protective service agency; and
- H. Communicate with appropriate school officials to determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.
- I. Communicate with appropriate school officials if the crime is determined “unfounded” by law enforcement officials so the information may be reported in EWA/EPWA Annual Security Report as ‘unfounded’ and withheld from its crime statistics.

If EWA/EPWA determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and EWA/EPWA will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by EWA/EPWA 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.

To initiate a criminal investigation, reports of sexual violence should be made to ‘911’ or local law enforcement. The criminal process is separate from EWA/EPWA disciplinary process. To the extent that an employee or contract worker is not satisfied with the College’s handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

RETALIATION PROHIBITED

EWA/EPWA will not retaliate against you for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify your supervisor, Human Resources or the Title IX Coordinator.

REPORTING REQUIREMENTS

Victims of sexual misconduct should be aware that EWA/EPWA administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. EWA/EPWA will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. EWA/EPWA reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Rights and Options Complainants and Respondents can expect:

- A. Prompt and equitable resolution of allegations of Prohibited Conduct;

- B. Privacy in accordance with the Policy and any legal requirements;
- C. Reasonably available interim remedial measures, as described in the Policy
- D. Freedom from Retaliation for making a good faith report or Prohibited Conduct or participating in any proceeding under the Policy;
- E. The responsibility to refrain from Retaliation directed against any person for making a good faith report of Prohibited Conduct or participating in any proceeding under the Policy;
- F. The responsibility to provide truthful information in connection with any report, investigation, or resolution of Prohibited Conduct under the Policy;
- G. The opportunity to articulate concerns or issues about proceedings under the Policy;
- H. Timely notice of any meeting or proceeding at which the party's presence is contemplated by the Policy;
- I. The opportunity to choose an advisor, including the right to have that advisor attend any meeting or proceeding at which the party's presence is contemplated by the policy;
- J. Written notice of an investigation, including notice of potential Policy violations and the nature of the alleged Prohibited Conduct;
- K. The opportunity to challenge the Investigator or any member of the Review Panel for bias or conflict of interest;
- L. The opportunity to offer information, present evidence, and identify witnesses during an investigation;
- M. The opportunity to be heard, orally and/or in writing, as to the determination of a Policy violation and the imposition of any sanction(s);
- N. Timely and equal access to any information that will be used during proceedings and related meetings;
- O. Reasonable time to prepare any response;
- P. Written notice of any extension of timeframes for good cause; and
- Q. Written notice of the outcome of any Formal Resolution proceedings, including the determination of a Policy violation, imposition of any sanction(s), and the rationale for each.

ADDITIONAL INFORMATION

Employees should contact Human Resources for more information of any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights (“OCR”) investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: <http://www.hhs.gov/or/>.

EMPLOYEE/STUDENT ACKNOWLEDGMENT

I, _____, by my signature, hereby verify that I accept a copy of the Policy on Sexual and Gender-Based Harassment and other forms of interpersonal violence at Elite Welding Academy/ Elite Pipe Welding Academy. I understand that it is my responsibility to read and comply with the contents of all material given regarding Elite Welding Academy/Elite Pipe Welding Academy.

Employee/Student Name (Printed)

Signature

Date