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Title IX

Revised

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Introduction

WyoTech is required by Title IX of the Educational Amendments of 1972 and 34 C.F.R. Part Sec. 106.9 not to discriminate on the basis of sex in the educational programs and activities which it operates.

WyoTech strives to provide a safe working and learning environment and is committed to creating and sustaining a positive learning environment, free of discrimination, including sexual violence, dating violence, domestic violence, and stalking. Such behaviors are prohibited both by law and School policy and will not be tolerated on any WyoTech campus. The School will respond promptly to reports of sexual harassment and sexual violence and will take appropriate action to prevent, correct, and when necessary, discipline behavior that violates School policy. The preponderance of the evidence standard will be used when determining any action.

Federal law provides that it shall be unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without cause, to refuse to hire, or otherwise discriminate against any person with respect to any matter directly or indirectly related to employment or academic standing. Harassment of an employee on the basis of sex violates this federal law. Sexual harassment of employees or students at the School is prohibited and shall subject the offender to dismissal or other sanctions following compliance with the procedural due process requirements.

Sex-based harassment includes sexual harassment (including sexual violence) and gender-based harassment. The definitions below have been developed by the Office for Civil Rights at the U.S. Department of Education.

Any individual who feels he/she has a complaint or matter he/she wishes to discuss may report the problem directly to the Campus Security Authority and/or Title IX Officer. Please be reminded that this policy applies to students as well as employees.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels. The Title IX Coordinator's purpose is to ensure that an institution maintains an environment for students that is free from unlawful sex discrimination in all aspects of the educational experience, including academics and extracurricular activities.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual harassment.

The Title IX Coordinator for WyoTech is Kyle Morris, VP of Operation, and he can be reached by calling (800)521-7158 or at KMorris@WyoTech.edu

Definitions

- ***Sexual Harassment***

Sexual harassment is 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. Sex-based harassment can happen to people and be perpetrated by people of any sex.

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing; or
2. Submission or a rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting an individual; or

3. Such control unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment.

- ***Sexual Violence***

Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the victim's age or use of drugs or alcohol, or because an intellectual or other disability prevents the victim from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

- ***Gender-Based Harassment***

Gender-based harassment is unwelcome conduct based on an individual's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling as well as gender-motivated physical threats, attacks, or other hateful conduct.

Violence Against Woman Act (VAWA)

WyoTech is committed to creating and sustaining a positive learning and working environment, free of discrimination, including sexual violence, dating violence, domestic violence, and stalking. Such behaviors are not tolerated on the WyoTech campus and is prohibited both by law and School policy. The School will respond promptly to reports of sexual harassment and sexual violence and will take appropriate action to prevent, correct, and when necessary, discipline behavior that violates School policy.

The School's primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim at fault for sexual discrimination, harassment, or violence.

Victims should not be deterred from reporting incidents of sexual violence out of a concern that they might be disciplined for related violations of drug, alcohol, or other School policies.

Victim Confidentiality

The School will use its best efforts to ensure that:

- All publicly available safety and security records, reports, and disclosures shall not include any personally identifying information about the victim; and
- It will maintain as confidential any accommodation or protective measures to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodation or protective measures.

At WyoTech, the Vice President of Operations shall be the primary Campus Security Authority (CSA) and Title IX Officer, and typically designates another campus employee as a CSA Assistant and/or Title IX Coordinator. In the absence of the Vice President of Operations a management designee will serve as CSA and/or Title IX Officer/Coordinator.

All students, employees, and campus guests are encouraged to report all crimes and public safety related incidents to the CSA in a timely manner. The CSA and/or Title IX Officer shall document each incident reported. All incident reports shall be reviewed by the Campus President and/or designees who shall determine an appropriate response based on the nature of the incident.

Sexual Offenses Reporting and Disciplinary Procedures

Sexual offenses are a violation of the Student Code of Conduct and the Sexual Harassment Policy as stated in the School catalog. Victim(s) of any sexual offenses should immediately seek assistance from local law enforcement authorities, the local rape crisis center, and/or the Campus Security Authority and/or Title IX Officer. School personnel shall be available to assist the student/employee in notifying these authorities if the victim chooses, as well as counsel the victim of the importance of preserving evidence for the proof of a criminal offense.

Reporting and The Initial Assessment of Report

How to Report Sexual Harassment

Any person may report Sexual Harassment or suspected Sexual Harassment to the Title IX Officer/Coordinator in person, by mail, telephone, or e-mail, using the contact information provided for the Title IX Officer/Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

Initial Assessment of the Report

Upon receiving a report, WyoTech will determine whether the reported allegation(s) fall within the scope of this policy. If the allegation does not fall within the scope of this policy, WyoTech will take appropriate steps according to the general student complaint procedure/Grievance Policy provided in the school catalog or the WyoTech Employee Handbook.

If the allegation does fall within the scope of this policy, the Title IX Officer/Coordinator will promptly (i.e., generally within 48 hours of receipt of initial report) reach out to the Complainant, who may or may not be the person who made the report: (a) discuss any appropriate Supportive Measures, and (b) provide the process for filing a Formal Complaint. If the Complainant declines to file a Formal Complaint, the Title IX Officer/Coordinator may choose to initiate a Formal Complaint. No other person is eligible to file a Formal Complaint under this policy.

Upon the filing of a Formal Complaint, WyoTech will operate from a presumption that the Respondent is not responsible for the alleged conduct until a determination is made regarding violation of this policy at the conclusion of the investigation, hearing, appeal and/or informal resolution process.

Supportive measures

Supportive measures are individualized services available to ensure equal educational/work access, protect safety or deter Sexual Harassment. Supportive Measures are available, as appropriate to the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party.

Upon receiving a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of supportive measures. The Title IX Coordinator shall notify the Complainant that supportive measures are available regardless of whether a Formal Complaint is filed and explain to the Complainant the process for filing a Formal Complaint.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each

party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Supportive measures will be provided without fee or charge and may include:

- Counseling
- Extending deadlines
- Modifying class or work schedules
- Placing mutual restrictions on contact between the parties
- Providing campus escort services
- Changing work locations
- Providing leaves of absence

Notice of a Formal Complaint

If a Formal Complaint is filed, WyoTech will issue a written notice to the Complainant and the Respondent within 14 days of the filing of the Formal Complaint containing, at minimum:

- Notice of the investigation and hearing procedure set out in this policy,
- Notice of the allegations of Sexual Harassment, including sufficient details known at the time (including the identities of known Parties involved in the allegations) and with sufficient time to prepare a response before any initial interview,
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding violation of this policy is made at the conclusion of the process,
- A statement that the Complainant and Respondent may have an advisor of their choice, who may be, but is not required to be, an attorney,
- A statement that WyoTech will, within a reasonable amount of time after a request from a Complainant or Respondent, provide an advisor to a Complainant or Respondent who does not identify their own advisor, one will also be provided at the hearing if the Complainant or Respondent does not bring their own to the hearing,
- A statement that the Complainant and Respondent may inspect, and review evidence compiled during the investigation, and
- A statement that WyoTech's Business Ethics, Conduct and Compliance policy and WyoTech's Code of Conduct for Students policy prohibit knowingly making false statements or knowingly submitting false information during the process

If, in the course of an investigation, WyoTech determines that it will investigate allegations about the Complainant or Respondent that are not included in the written notice provided at the outset of the investigation, WyoTech will provide written notice of the additional allegations to the Complainant and the Respondent.

In appropriate cases, WyoTech may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Formal Complaints involving employees will also be referred to the Human Resources Department and simultaneously evaluated under the applicable employee conduct policies and procedures outlined in the Employee Handbook.

Informal Resolution

Formal Complaints can be resolved by either informal resolution or by the investigation and hearing processes described in this policy. Informal resolution is voluntary and can be facilitated by WyoTech at any point before a determination is reached regarding whether the Respondent violated this policy. Once initiated, an informal resolution process will typically conclude within 45 days. At any point during the informal resolution process prior to reaching an agreement, the Complainant and/or the Respondent are free to withdraw from the informal resolution process and resume the investigation, hearing, and appeal processes. However, once reached and agreed to by both the Complainant and the Respondent, an informal resolution is final, and precludes the Complainant and Respondent from pursuing a Formal Complaint arising from the same allegations.

Before engaging in an informal resolution, WyoTech will provide the Complainant and the Respondent with written notice disclosing the allegations, the requirements of the informal resolution process (including the Parties' right to withdraw during the process and the final nature of any agreement reached), and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. Both the Complainant and the Respondent must consent in writing to participate in the informal resolution process.

Participation in an informal resolution is not required as a condition of enrollment, continuing enrollment, employment, or continuing employment.

WyoTech does not offer or facilitate informal resolution to resolve allegations that a WyoTech employee Sexually Harassed a WyoTech student; such allegations will be handled through the Formal Complaint process.

Dismissal of a Formal Complaint in Certain Circumstances

If at any point during the investigation or hearing procedures WyoTech discovers that the conduct described in the Formal Complaint does not, even if proven, fall under the scope of this policy or did not occur in the school's education program or activity, WyoTech will dismiss the Formal Complaint or the portions of the Formal Complaint that are out of scope. Such conduct may be evaluated under other WyoTech policies, as applicable.

The Title IX Coordinator may dismiss a Formal Complaint where:

- Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint or allegations
- Respondent is no longer enrolled or employed by the school
- Specific circumstances prevent the school from gathering evidence sufficient to reach a determination regarding responsibility

If the Respondent withdraws from school prior to the completion of the investigation, he/she will not be allowed to return until the Formal Complaint process is complete. If the Respondent graduates prior to the resolution, the student will not be recognized as a graduate until the Formal Complaint process is complete. If Respondent is found guilty sanctions will be imposed. The appeal process will be adhered to regardless of participation by either party.

When WyoTech dismisses a Formal Complaint, it will promptly (generally within seven days of the dismissal) send written notice of the dismissal, whether mandatory or discretionary, and the reason(s) for the dismissal, simultaneously to the Complainant and the Respondent.

Dismissal of the Formal Complaint under this policy does not preclude the institution from investigating the allegations under a different policy such as the Student Complaint/Grievance Procedure Policy outlined in the school catalog.

Investigation

WyoTech will investigate all Formal Complaints that are not resolved through informal resolution or dismissed (as explained in the previous section). The investigation will be completed by an individual trained (as defined in the training section of this document), who will not serve as a decision-maker(s) during the hearing. The investigator's purpose will be to compile relevant information and documentation for consideration at the hearing. In conducting the investigation, WyoTech will:

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding violation of this policy rest on WyoTech and not on the Complainant or Respondent.
- Provide an equal opportunity for the Complainant and the Respondent to present witnesses (including fact and expert witnesses) and other inculpatory and exculpatory evidence.
- Not restrict the ability of either the Complainant or the Respondent to discuss, in the context of the investigation, the allegations under investigation or to gather and present relevant evidence.
- Where a Complainant or Respondent is invited or expected to participate, provide written notice of the date, time, location, participants, and purpose of investigative interviews or other meetings with sufficient time to prepare to participate.
- Allow the Complainant and the Respondent the same opportunity to have an advisor during the investigation. Advisors may attend interviews or meetings to which the Party whom they are advising is invited and may otherwise assist the Party during the investigation, provided that throughout the investigation phase, the advisor may speak only to the Party whom the advisor is assisting (i.e., either the Complainant or the Respondent), whether during interviews, meetings, or otherwise. Advisors may be, but are not required to be, attorneys.
- Provide both the Complainant and the Respondent an equal opportunity to inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint. This includes evidence upon which WyoTech does not intend to rely in reaching a determination regarding violation of this policy so that the Complainant and the Respondent can meaningfully respond to the evidence prior to conclusion of the investigation.
- Not access, consider, disclose, or otherwise use a Complainant's or Respondent's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless WyoTech obtains that Party's voluntary, written consent to do so for use in the process described in this policy.

The inspector will compile an investigation report that fairly summarizes the relevant evidence. Prior to completion of the investigative report, and typically within 60 days of the date on which the written notice of allegations was provided to the Complainant and the Respondent,

WyoTech will send to the Complainant and the Respondent (and, if applicable, their advisor(s)) the evidence subject to inspection and review in an electronic format or a hard copy.

The Parties will be given 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

Upon completion of the report, the investigator will provide the Complainant and the Respondent (and their advisor(s), if applicable) a copy of the report at least 10 days prior to a hearing.

Emergency Removal of Respondents from Campus

WyoTech may temporarily remove an individual from campus on an interim basis during the pendency of a Formal Complaint in limited emergency circumstances where there is an immediate threat to physical health or safety. Before taking this emergency measure, the school will:

- Undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any person arising from the allegations of Sexual Harassment
- Make an affirmative determination that such an immediate threat exists based on its individualized safety and risk analysis; and
- Provide the Respondent with notice and an opportunity to challenge the emergency decision immediately following the Respondent's removal

WyoTech's management team will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. WyoTech will make every effort to ensure that a victim's name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. WyoTech reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures.

Hearing and Deliberation

No earlier than 10 days after the investigation report is completed and provided to the Complainant and Respondent, WyoTech will conduct a live hearing at which the Complainant, Respondent, and the decision-maker(s) for WyoTech will have the opportunity to ask questions of the Parties and witnesses. The Complainant and Respondent will be given written notice of the date, time, location, participants, and purpose of hearing with sufficient time to prepare to participate. Each party will be permitted to bring an advisor and has the option to bring one (1) other person to the hearing. Only the identified advisor will be permitted to speak during the hearing. The parties will be asked to give WyoTech notice as to whether they plan to bring any additional people to the hearing.

Hearings will typically be held within 120 days of receipt of a Formal Complaint, subject to availability of the Parties, witnesses, and decision-maker(s), and barring legitimate circumstances that give rise to delay in the process. Neither the Title IX Coordinator nor the investigator who completed the investigation that is the subject of the hearing may participate as a decision-maker(s).

All hearings will be conducted live with all parties present, however, either party may choose to participate via video conference in a separate room. The hearing will be conducted in a manner that allows the participants to simultaneously see and hear each other. The decision-maker(s) is responsible for conducting the hearing. The decision-maker(s) will ensure that:

- WyoTech makes all evidence to be considered available at the hearing and gives each Party equal opportunity to refer to such evidence during the hearing (this includes the original report submitted by the investigator).
- The advisors for the Complainant and Respondent (but not the Complainant and Respondent themselves) are permitted to ask the other Party and any witnesses appearing at the hearing relevant questions and follow-up questions, including those challenging credibility. This questioning is permitted to occur directly, orally, and in real time.
(Note: If a Party does not have an advisor present at the hearing, WyoTech will provide an advisor of WyoTech's choosing to conduct cross-examination on behalf of that Party. Such an advisor will be provided without fee or charge to that Party and may be, but is not required to be, an attorney.)
- Only relevant cross-examination and other questions are asked of a Party or witness. The decision-maker(s) will first determine whether a question is relevant before a Complainant, Respondent, or witness answers a question posed by someone other than the decision-maker(s). If the decision-maker(s) excludes a question, an explanation will be provided as to why the question is not relevant.
 - Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
 - The decision-maker(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- If a Party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) does not rely on any statement intended to be a factual assertion offered to prove or disprove Sexual Harassment of that Party or witness in reaching a determination regarding violation of this policy. The decision-maker(s) also may not draw an inference about violation of this policy based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- Credibility determinations are not based solely on a person's status as a Complainant, Respondent, or witness.

WyoTech will create an audio or audio-visual recording or transcript of any live hearing and make it available to the Complainant and Respondent for inspection and review. Recordings are the property of WyoTech and will be retained for seven years.

After the hearing, the decision-maker(s) will deliberate in private and determine (by majority vote) whether the Respondent has violated this policy. The decision-maker(s)'s determination will be made based on a preponderance of the evidence standard (i.e., whether it is more likely than not that the Respondent violated the policy). No Respondent may be found to have violated this policy solely because the Respondent failed to appear at a hearing; if the Respondent does not participate, the available evidence will be considered. Likewise, a Respondent may be found to have violated this policy even in instances where the Complainant has not participated in the hearing.

Written Notice of Determination

Based on all relevant evidence obtained during the investigation and hearing, the decision-maker(s) shall issue a written determination. The written determination will include a determination of responsibility as well as a written finding of facts. The determination will include a description of the procedure from filing the Formal Complaint through the hearing and clearly state a conclusion regarding whether the alleged conduct occurred as alleged or at all and support each conclusion with the rationale relied upon. The written determination will also indicate the sanctions imposed on the Respondent and whether remedies will be provided to the Complainant. Refer to Sanctions and Remedies section for possible sanctions.

WyoTech will provide the written determination to the Complainant and the Respondent simultaneously and within 14 days of the hearing. The determination regarding violation of this policy becomes final either on the date that WyoTech provides the Complainant and the Respondent with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Appeals

The Complainant and Respondent may appeal a determination regarding whether the Respondent violated this policy, and may also appeal WyoTech's dismissal of a Formal Complaint or any allegations therein, on the following grounds:

- Procedural irregularity that affected the outcome
- New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome
- The Title IX personnel had a general or specific conflict of interest or bias that affected the outcome

The decision-maker for the appeal will be unbiased and appropriately trained and will not be the same person as the investigator, the Title IX Coordinator, or any decision-maker from the hearing for the same matter.

All appeal procedures will apply equally to both Parties. Appeals must be filed with the Title IX Coordinator within ten (10) calendar days of receipt of the written determination or notice of dismissal, as applicable. The written appeal must be limited to 10 pages, double spaced, 12-point font.

If either the Complainant or the Respondent files an appeal, WyoTech will notify the other Party in writing. Both the Complainant and the Respondent will have a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome, which must be received by the decision-maker for the appeal within 14 days of receipt of the notice that an appeal has been filed.

Within 30 days of the deadline for Parties to submit written statements in support of or challenging the outcome, the appeal decision-maker will issue a written decision describing the result of the appeal and the rationale for the result, which will be provided simultaneously to the Complainant and the Respondent. The decision of the decisionmaker for any appeal is final.

Sanctions and Remedies

Sanctions will not be imposed on a Respondent unless the investigation and hearing procedures or the informal resolution procedure in this policy have been followed. Sanctions will be determined on a case-by-case basis. The sanctions that may be imposed on a Respondent for violation of this policy may include, but are not limited to following:

For WyoTech Employee:

- Warning – A verbal or written notice that an employee has not met WyoTech's conduct expectations.
- Training – One or more sessions that an employee is required to complete to WyoTech's satisfaction on a required topic.
- Probation – A written reprimand with stated conditions in effect for a designated period of time, including the probability of more severe disciplinary sanctions if the employee does not comply with WyoTech policies or otherwise does not meet WyoTech's conduct expectations during the probationary period.
- Unpaid leave – Unpaid leave from employment with WyoTech for a defined period of time, after which the employee may be eligible to return to active employment.
- Limiting order – Restriction on an employee's permission to be in the same proximity as another team employee and/or others, with the parameters of the restriction to be defined by WyoTech.
- Termination of employment – Separation of an employee's employment with WyoTech.

For students:

- Warning – A verbal, written, or final notice that the student has not met WyoTech's conduct expectations.
- Training – One or more sessions that the student is required to complete to WyoTech's satisfaction on a required topic.
- Probation – A written reprimand with stated conditions in effect for a designated period, including the probability of more severe disciplinary sanctions if the student does not comply with WyoTech policies or otherwise does not meet WyoTech's conduct expectations during the probationary period.
- Suspension – Separation of the student from WyoTech for a defined period, after which the student may be eligible to return. Conditions for readmission may be specified.
- Suspension of Services – Ineligibility to receive specified services or all WyoTech services for a specified period, after which the student may regain eligibility. Conditions to regain access to services may be specified.
- Dismissal – Separation of the student from all WyoTech locations and eligibility to return at a specified date.
- Expulsion – Permanent separation of the student from all WyoTech locations and ineligibility to receive specified or all WyoTech services.
- Ineligibility for Services – Permanent ineligibility to receive specified or all WyoTech services.
- Limiting Order – Restriction on a student's permission to be in the same proximity as the Complainant and/or others, with the parameters of the restriction to be defined by WyoTech.
- Other: Other sanctions may be imposed instead of, or in addition to, those specified here.

If a Respondent is not an employee or a student of WyoTech, WyoTech may impose variations of the sanctions listed above that correspond to WyoTech's relationship with the Respondent, e.g., termination of contract, ineligibility for future contracting or services.

More than one sanction may be applied to the same Respondent as a result of a single violation. The listing of the sanctions should not be construed to imply that Respondents are entitled to progressive discipline, or that the employment relationship between WyoTech and its employee is anything other than at-will. The sanctions may be used in any order and/or combination that WyoTech deems appropriate for the conduct in question.

The Title IX Coordinator may also implement remedies designed to restore or preserve equal access to WyoTech's Educational Programs or Activities. Remedies include efforts similar to

Supportive Measures, but when imposed as a remedy, a measure need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Remedies will not be granted to a Complainant unless the investigation and hearing procedures or the informal resolution procedure in this policy have been followed.

Retaliation

Retaliation against any individual for exercising rights under Title IX, including the participating in or refusing to participate in the filing of a Formal Complaint, the investigation, or any proceeding or hearing is prohibited. Examples of prohibited retaliation include intimidation, threats, coercion, or discrimination, and specifically include bringing charges against an individual for student code of conduct violations that do not involve sex discrimination or Sexual Harassment but arise out of the same fact or circumstances as a report or complaint of sex discrimination or Sexual Harassment.

Exercising rights protected under the First Amendment does not constitute retaliation. In addition, charging an individual with a Code of Conduct or other policy violation for making a materially false statement in bad faith in the course of a Formal Complaint, investigation, or hearing proceeding under this policy does not constitute retaliation; provided, however, that a finding that a Respondent did or did not violate this policy, alone, is insufficient to conclude that any Party made a materially false statement in bad faith.

A report of retaliation related to an investigation of Sexual Harassment will be treated as a report under this policy, which may be consolidated with the other report(s) or Formal Complaint(s) to which it is related.

Time Frame for Completion of Entire Grievance Process

The timeframes stated in this policy estimate adequate time to resolve a Formal Complaint where the Parties, witnesses, and evidence is readily available, and interviews, meetings, and hearings are able to be scheduled without delay. Circumstances in individual cases may cause temporary delays, necessitating limited extension of stated time frames for good cause, including but not limited to the absence or unavailability of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Any delay or extension of the grievance process will be temporary, limited and for good cause and WyoTech shall notify the parties of the circumstances giving rise to the need for any short-term delay or extension.

Recordkeeping

WyoTech shall maintain records of Title IX activities as required by law, including records of:

- Documentation of outreach to Complainants in response to a report within scope for this policy
- Formal Complaints
- Written notices of allegations
- Investigation reports (including any appended evidence)
- Notices regarding informal resolution, if appropriate
- Informal resolution agreements and/or other documentation evidencing the terms of an informal resolution, if appropriate
- Written notices of determination
- Appeals
- Written notices of appeal

- Written notices of appeal determination
- Hearing transcripts or recordings
- Documentation of Supportive Measures provided or offered (to the extent not contained in other listed documentation)
- Documentation of sanctions imposed on a Respondent (to the extent not contained in other listed documentation)
- Documentation of remedies provided to a Complainant (to the extent not contained in other listed documentation)
- Materials used to train Title IX Coordinators, investigators, decision-makers, and individuals who facilitate an informal resolution process

Training

The Title IX Coordinator and all personnel involved in the facilitation of the Title IX process outlined in this policy shall be trained on the following topics:

- The definition of Sexual Harassment under Title IX and this policy,
- The scope of the school's education program or activity
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution process, as applicable; that comply with the Title IX and the requirements of this policy,
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, bias and sex stereotypes

Investigators and decision-makers will receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. In addition, investigators and decision-makers will be trained on how to apply any technology to conduct live hearing and how to create investigative report that fairly summarizes relevant evidence.

All training can be viewed at:

<https://www.accstraining.org/course/compliance/CM140/title+ix+and+vawa+training%3A+building+safer+campuses>

Additional Information

Students and employees may contact the Title IX Coordinator with 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/ocr/>. To the extent that an employee or contract worker is not satisfied with WyoTech's handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.