

JASTECH Development Services, Inc (JASTECH)

Title IX Grievance Policy and Procedures

JASTECH Development Service, Inc - ("JASTECH") is committed to providing an education and work environment that is free from sexual harassment and other forms of discrimination on the basis of sex.

I. PURPOSE AND SCOPE

As required by Title IX of the Education Amendments of 1972, it is the policy of JASTECH not to discriminate on the basis of sex in its educational programs and activities. Title IX provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Sex discrimination includes sexual harassment and sexual assault, as well as all forms of mistreatment on the basis of gender, sexual orientation, and gender identity. The purpose of this policy is to provide students, employees, parents, and applicants a procedure through which they can seek a remedy for mistreatment on the basis of sex.

This policy covers all activities that a student, applicant, or employee is participating in or attempting to participate in with respect to the education program or activities of JASTECH. For students and applicants, this includes:

- Admission or enrollment to JASTECH
- Access to enrollment in courses
- Access to and use of organization's facilities
- Counseling and guidance materials, tests, and practices
- Physical education
- Competitive athletics
- Graduation requirements
- Student rules, regulations, and benefits
- Financial assistance
- Health services
- Organization-sponsored extracurricular activities

For employees, access to the educational program or activity of JASTECH includes, but is not limited to:

- Employment, evaluation, wages, advancement, assigned duties and shifts,
- Career advancement,
- Other terms and conditions of employment

II. DEFINITIONS

A. Sex Discrimination

Sex discrimination is conduct directed at a specific individual or a group of identifiable individuals that adversely affects the education or employment of the individual or group because of sex. Sex discrimination may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Conduct that may be sex-based discrimination includes, but is not limited to:

- Exclusion from educational resources or activities because of one's sex;
- Subjection to jokes or derogatory comments about one's sex; or
- Being held to different standards or requirements on the basis of one's sex.

The scope of sex discrimination includes all forms of mistreatment on the basis of gender, sexual orientation, and gender identity.

B. Sexual Harassment

Sexual harassment is a form of sex discrimination. It is defined as conduct on the basis of sex, gender, sexual orientation, or gender identity that satisfies one or more of the following:

- An employee of JASTECH conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to JASTECH's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

C. Complainant

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

D. Respondent

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

E. Formal Complaint

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

III. NOTICE OF TITLE IX COORDINATOR

All questions regarding enforcement of Title IX may be referred to the following:

Title IX Coordinator
HR@overbrookcenter.org
p: 215-879-7770

Contact information for the JASTECH Title IX Coordinator can additionally be found on the JASTECH's website. The Title IX Coordinator's responsibilities include coordinating JASTECH's compliance with Title IX, overseeing Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. This includes, but is not limited to, the coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students, applicants, and other members of the community. It is the responsibility of the Title IX Coordinator to ensure that JASTECH respond promptly and in a manner that is not deliberately indifferent to any known or suspected incident of sexual harassment. The Title IX Coordinator has authority to initiate formal complaints regarding suspected sexual harassment or other sex discrimination.

IV. REPORTING A TITLE IX COMPLAINT

Any person (whether or not a victim) may report sex discrimination, including sexual harassment, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time. All employees shall be required to promptly report any suspected occurrence of sex discrimination, including sexual harassment, to the Title IX Coordinator. If an individual reports an act of sex discrimination to an employee who is not the Title IX Coordinator, that employee shall inform the Title IX Coordinator of the alleged sex discrimination.

V. DISCIPLINARY CONSEQUENCES FOR SEXUAL HARASSMENT

With respect to formal complaints of sexual harassment, Title IX regulations require JASTECH to treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the below grievance process before the imposition of any disciplinary sanctions against a respondent. Thus, no student or employee may be disciplined by JASTECH for sexual harassment until a formal complaint is lodged (either by a complainant or the Title IX Coordinator) and the formal grievance process is completed. Remedies for sexual harassment offenses must be designed to restore or preserve equal access to the JASTECH's education program or activity. Title IX regulations do not prohibit JASTECH from disciplining a student or employee for offenses other than sexual harassment prior to the exhaustion of the formal grievance process. For instance, if a student commit bullying and sexual harassment, the student may be disciplined for bullying while the formal grievance process for the sexual harassment charge remains pending.

Any student found to have committed sexual harassment or any other form of sex discrimination shall be subject to JASTECH's code of conduct. Any employee found to have committed sexual harassment or any other form of sex discrimination shall be subject to JASTECH's employee handbook. Potential consequences include anything up to and including termination from employment.

VI. INITIAL RESPONSE TO SEX DISCRIMINATION OR SEXUAL HARASSMENT

A. Receipt of Report

Upon receipt of a formal complaint of sex discrimination (including sexual harassment), the Title IX Coordinator shall initiate the grievance process outlined below. If the Title IX Coordinator becomes aware of any suspected sex discrimination (including sexual harassment), but a formal complaint has not yet been filed, the Title IX Coordinator shall take reasonable steps to promptly investigate and determine whether the conduct in question might constitute sex discrimination. Upon determining that conduct might constitute a form of sex discrimination, the Title IX Coordinator shall initiate a formal complaint and initiate the grievance process.

B. Emergency Removal

During the pendency of the resolution process, a respondent against whom allegations of sexual harassment are made may be removed on an emergency basis from the JASTECH program if JASTECH determines that his or her presence at JASTECH would pose an immediate threat to the physical health or safety of any other member of the JASTECH community. Before any such emergency removal, JASTECH shall first undertake an individualized safety and risk analysis to determine if circumstances warrant emergency removal. Upon any emergency removal, JASTECH shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Administrative Leave

In the discretion of JASTECH, an employee against whom any allegation of sexual harassment is made may be placed on administrative leave during the pendency of the grievance process.

VII. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT

A. Supportive Measures

Upon the filing of a formal complaint or upon otherwise becoming aware of sexual harassment, the Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the formal complaint process. Supportive measures may also be offered to the respondent.

Supportive measures are defined as non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to JASTECH's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or JASTECH's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring, and other similar measures. JASTECH must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of JASTECH to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

B. Notice

Upon the filing of a formal complaint, the Title IX Coordinator must provide prompt written notice of the following to the parties who are known:

- The allegations of sexual harassment or sex discrimination, including the following information to the extent known: the conduct allegedly constituting sexual harassment or sex discrimination as well as the date and location of the alleged incident(s);
- A description of the grievance process, including the parties' right to inspect and review evidence and to have an adviser of their choice present during the grievance process;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process; and
- Identification of any applicable rules that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, during an investigation, the Title IX Coordinator or other investigator decides to investigate allegations beyond the scope of the above notice, then supplemental notice shall be given to all parties of the additional allegations. JASTECH shall provide each party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

VIII. Investigation

JASTECH must investigate all allegations of sexual harassment or sex discrimination that are set forth in a formal complaint. The investigation shall be performed by the Title IX Coordinator or a designee. JASTECH is responsible for gathering evidence, though either party can volunteer information or documents to the investigator or grant access to otherwise privileged evidence such as medical records.

Throughout the investigation, all parties shall have equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. During any investigatory interview, either party may be accompanied by a parent or legal guardian (in the case of a student) and/or an advisor of their choice. All interviews will be documented. Parties and witnesses will be informed that their statements will remain confidential to the extent allowed by law. The complainant and respondent will not be allowed to personally question or cross-examine each other during the investigation.

JASTECH may not prohibit either party from discussing the allegations under investigation or from gathering and presenting relevant evidence. However, in doing so, the parties remain subject to JASTECH's rules, including with respect to bullying and harassment.

The investigator shall compile all evidence that is directly related to the allegations raised in a formal complaint, including inculpatory or exculpatory evidence. The complete evidentiary file shall be distributed to both parties as well as any advisors. Upon their receipt of the evidentiary file, both parties shall have 10 days to respond in writing to the investigator regarding any of the evidence.

Once the parties have had 10 days to respond to the evidence, the investigator shall use his or her best efforts to complete an investigative report within 7 days. The investigative report shall summarize all evidence and other relevant information, including any written response from the parties to the evidence. In the case of matters involving sexual harassment, the investigative report must be sent to all parties at least 10 days prior to a formal hearing.

IX. Dismissal of Formal Complaint

If, upon investigation, it is determined that the conduct alleged would not constitute sexual harassment even if proved to be factually true, then the complaint must be dismissed with regard to that conduct for purposes of sexual harassment.

JASTECH may dismiss the formal complaint or any allegations therein, if at any time during the investigation or grievance process:

- The complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by JASTECH; or
- Specific circumstances prevent JASTECH from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a complaint, notice must be sent to the parties of the dismissal and reason(s) therefore.

X. Informal Resolution

At any time prior to formal resolution, the parties may agree to engage in a voluntary informal resolution meeting. The parties' agreement to engage in informal resolution must be in writing and either party may freely withdraw from the informal resolution process and proceed to formal resolution. The Title IX Coordinator shall facilitate the informal resolution meeting unless he or she has a conflict of interest or bias, in which case an alternate facilitator shall be appointed who is without bias or conflict. JASTECH will not facilitate any informal resolution process with respect to allegations that an employee of JASTECH has sexually harassed a student.

XI. Formal Resolution of Complaints Other Than Sexual Harassment

For formal complaints of sex discrimination other than sexual harassment, following finalization of the investigative report, a written report shall be issued by the investigator. The report shall contain a summary of all allegations of sex discrimination and describe the investigation and its findings. The report shall be issued to the CEO or, if the CEO is the subject of the complaint, then to the Board of Trustees. Following receipt of the report, the CEO or Board of Trustees shall issue appropriate remedies, including disciplinary consequences and/or supportive measures. The Title IX Coordinator shall provide written notice to the parties of the resolution.

XII. Formal Resolution of Complaints of Sexual Harassment

Unless a case involving allegations of sexual harassment is dismissed or is resolved through the informal hearing process (and consequently dismissed), a formal complaint of sexual harassment shall proceed to a formal hearing. All parties shall receive notice of the time, date, and location of the formal hearing at least 5 days prior to the hearing.

JASTECH shall observe the following requirements regarding the formal hearing:

- JASTECH shall appoint an unbiased decision-maker to conduct the hearing and render a decision. The decision-maker must not have participated in the investigation or any prior aspects of the resolution process. A committee of more than one person may serve as the decision-maker.
- Prior to the hearing, all parties shall be afforded the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- In the discretion of JASTECH, the hearing may be either in-person or limited to written questions and answers from the parties.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior shall be deemed irrelevant, 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 must explain any decision to exclude a question as irrelevant.

- The decision-maker shall perform an objective evaluation of all relevant evidence (both inculpatory and exculpatory) and shall not make credibility determinations based on a person's status as a complainant, respondent, or witness.
- There shall be no presumption that the respondent is responsible for the alleged conduct.
- The standard of proof used shall be preponderance of evidence (*i.e.* whether is it more likely than not that sexual harassment occurred).
- JASTECH shall 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.

Within 7 days following the hearing, the decision-maker must produce a written determination regarding responsibility, which shall:

- Review all evidence using the preponderance of evidence standard;
- Identify the allegations which would implicate sexual harassment;
- Describe the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Include findings of fact to support the determination and conclusions regarding the application of Acc's rules to the facts;
- Include a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to Acc's education program or activity will be provided to the complainant;
- Describe the appeals process; and
- Be issued simultaneously to all parties.

XIII. Appeals

Either party shall have 7 days to appeal the outcome of any formal resolution. Appeals shall be submitted in writing to the Title IX Coordinator.

The following are the permitted bases for appeal:

- That a procedural irregularity affected the outcome of the matter;
- The availability of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- That the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

JASTECH shall promptly notify both parties when an appeal is received. Both parties shall be afforded 7 days to submit a written statement in support of, or challenging, the outcome of the written determination. JASTECH shall appoint a decision-maker for the appeal who shall not be the decision-maker for the formal hearing, the investigator, or the Title IX Coordinator.

The decision-maker for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. This written decision shall be issued simultaneously to both parties.

XIV. PERSONNEL AND TRAINING

JASTECH must ensure that any individual designated as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

JASTECH shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment; the scope of JASTECH's education program or activity; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers must receive training on any technology to be used at a live hearing and 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. JASTECH also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

XV. RECORD KEEPING

JASTECH shall maintain all records relating to the grievance process and Title IX matters for a period of at least seven (7) years.

XVI. RETALIATION PROHIBITED

It is contrary to Title IX, federal and state civil rights laws, and JASTECH policy, to retaliate against any person for asserting his or her civil rights, including filing a claim of discrimination or participating as a witness in an investigation. Retaliation or reprisals against any participant in an investigation will not be tolerated by JASTECH. Retaliation against a person who files a claim of discrimination (including sexual harassment or sexual assault) is grounds for a subsequent claim by that person. If a person believes that he or she has been retaliated against as a result of filing a grievance or participating in the investigation of a grievance, he or she may pursue a separate complaint charging retaliation.

XVII. TIME FRAMES

Time frames referenced in this policy may be extended by the Title IX Coordinator for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint. In all cases, extension of timelines will be noted in writing by the Title IX Coordinator