



Anti-Harassment and Discrimination Policy

University is committed to providing an environment free of unlawful harassment or discrimination. In furtherance of this commitment, all students, managers and supervisors are required to take our mandatory Sexual Harassment Prevention Training. University 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, University prohibits discrimination on the basis of sex in any education program or activity that it operates. This non-discrimination policy extends to student admissions and employment processes. If there are any inquiries about the application of Title IX rules, contact the University's Title IX Coordinator, the US Department of Education's Assistant Secretary for Civil Rights, or both.

The University's anti-harassment policy applies to all persons involved in the operation of University, and prohibits unlawful harassment by any employee of the University, as well as students, vendors or anyone who does business with the University. 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 the University does business engages in unlawful harassment or discrimination, the University will take appropriate corrective action.

As part of the University's commitment to providing a harassment-free environment, this policy shall be disseminated widely to the University community through publications including the Student Handbook and Employee Handbook, the University website, new employee orientations, student orientations, and other appropriate channels of communication. The University provides training to key staff members to enable the University to handle any allegations of discrimination, sexual harassment or sexual violence promptly and effectively. The University will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

Definitions

Title IX protects student's rights to educational opportunities from sex discrimination. The new regulations establish in law that sexual harassment, including sexual assault, is unlawful sex discrimination. Regulations consider the following forms of sexual harassment actionable under Title IX:

- A California Aeronautical University employee conditioning the provision of an aid, benefit, or service of the school 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 their education program or activity; or
- Sexual Violence, which includes:
 - **Sexual assault:** as defined in 20 U.S.C. 1092(f) (6) (A)(v), means an offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - **Dating Violence:** as defined in 34 U.S.C. 12291(a)(10), means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of



relationship; and, the frequency of interaction between the persons involved in the relationship.

- **Domestic Violence:** as defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- **Stalking:** as defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Consent is informed, voluntary and revocable. 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.

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, 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 environment, which means the alleged conduct is sufficiently serious to limit or deny a student's or 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.



Title IX Complaint / Grievance Procedure

If you believe that you have experienced or witnessed discrimination, harassment, or sexual violence, notify 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 the University is exempt from the prohibitions in this policy. Students and/or employees of the University may file a formal complaint alleging sexual harassment, including sexual assault, with the Title IX Coordinator. Formal complaints can be filed by delivering the complaint in person or emailing the complaint to the Title IX Coordinator. Employees who receive any type of complaint regarding discrimination or harassment will refer all complaints to the Title IX Coordinator. In order to facilitate the investigation, a formal complaint should include the following:

- state the name of the alleged perpetrator (Respondent),
- describe with reasonable specificity the incident(s) of alleged harassment, including the date and place of such incident(s),
- list any sources of information (witnesses, correspondence, records, etc.) that are relevant (if such sources of information is unknown or unavailable, filing the complaint should not be delayed).

After receiving the formal complaint, the Title IX Coordinator will offer and coordinate appropriate supportive measures to both the Complainant and the alleged Respondent. These measures are intended to preserve each party's access to the educational program and services without burdening the other party unreasonably, to protect the parties and the larger community, and to deter further harassment.

The Title IX Coordinator will also determine if the allegation(s) within the complaint violate the Anti-Harassment and/or Discrimination policies. If so, then the Title IX Coordinator will appoint an investigator to initiate a fact-finding investigation of the alleged actions.

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:

Coordinator	Email Address	Phone Number	Physical Address
Andrea Georges Title IX Coordinator	Andreaq@calaero.edu	(661) 615-5915	1450 Boughton Drive Bakersfield, CA 93308

The University ensures that its employees designated to serve as Title IX Coordinators have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the University's grievance procedures operate.

Informal Resolution Process

The University offers an Informal Resolution Process to assist in the resolution of sexual harassment or sex discrimination reports. This process can only be utilized when there is a formal complaint filed and is not available for incidents in which an employee is accused of sexually harassing a student. To utilize this process, the Complainant and Respondent must voluntarily agree in writing. The University will provide both parties



with the allegations, explain how the process works, impacts on the parties' ability to resume a formal complaint arising from the same allegations; and will describe any consequences from participating in an informal resolution. Either party will have the right to withdraw from the informal process prior to a resolution and resume the formal complaint process. The University will ensure the Informal Resolution Facilitator has no bias or potential conflicts of interest and will be trained on the informal resolution process.

Investigation of Complaints

In response to all complaints, the University 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 of the complaint. The University will 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, the University will weigh the student's request for confidentiality against the impact on University 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 clear and convincing evidence standard will apply to investigations, meaning the University will evaluate whether it is substantially more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint.

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

If the University determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and the University will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by the University to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action. These actions will depend on the determination but could include a written warning up to and including termination. Remedies for student-related claims may include, but are not limited to, a written warning, 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 the University's disciplinary process. To the extent that an employee or contract worker is not satisfied with the University'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

The University 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 the Title IX Coordinator.

Reporting Requirements

Victims of sexual misconduct should be aware that University 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. The University 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. The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Additional Information

Students may contact the Title IX Coordinator listed in the chart above with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights (“OCR”) investigates complaints of unlawful discrimination or 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.ed.gov/ocr/>