

P&P 2.21 - TITLE IX POLICY

Definitions

The Campagna Center (“TCC”) is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with Title IX of the Education Amendments of 1972 and other applicable laws, the TCC prohibits discrimination on the basis of Sex, including Sexual Harassment, against Students, employees, and others, on the basis of Sex, sexual orientation, or gender identity, at TCC or in any of TCC’s Education Programs or Activities.

“**Sex**” means biological sex, sexual orientation, or gender identity.

“**Sexual Harassment**” means conduct on the basis of Sex that satisfies one or more of the following:

- an employee of TCC conditioning the provision of an aid, benefit, or service of TCC 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 TCC’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).

“**Title IX**” means 20 U.S.C. §§ 1681-1688 and the implementing regulations.

“**Title IX Coordinator**” means the person designated by TCC to coordinate its efforts to comply with its responsibilities under Title IX and this policy.

The Title IX Coordinator’s contact information is as follows:

Chief Program & Operations Officer <i>Title IX Coordinator</i> 1012 Cameron St., Alexandria, VA 22314 Office: 703-224-2383 Email: TitleIXCoordinator@campagnacenter.org
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Additional Definitions:

“Actual Knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to (a) TCC's Title IX Coordinator; or (b) any official of TCC who has authority to institute corrective measures on behalf of TCC; or (c) to any employee of TCC.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment prohibited by Title IX.

“Consent” is clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity. Any person who is under 18 years of age cannot give Consent to engage in any sexual activity with an adult who is 18 years of age or older.

“Dating Violence” as defined in 34 U.S.C. 12291(a)(10) means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) 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 Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

“Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment prohibited by Title IX against a Respondent and requesting that the allegation be investigated. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. A Formal Complaint may be made using the Title IX Formal Complaint Form attached to this policy. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in TCC's Education Program or Activity.

“Education Program or Activity” includes locations, events or circumstances over which TCC exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment prohibited by Title IX.

“Retaliation” means any adverse action, or any action likely to deter a reasonable person from engaging in future protected activity, taken against a person for making a good faith report under this Policy, participating in any proceeding under this Policy, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. Retaliation includes threatening, intimidating, harassing, coercing or discriminating against an individual because the person made a report or complaint, testified, assisted, participated in, or refused to participate in any manner in an investigation, proceeding, and/or hearing. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Sexual Harassment or sex discrimination. Retaliation does not include good faith actions lawfully pursued in response to a report under this Policy or the exercise of rights protected under the First Amendment.

“Sexual Assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting (UCR) system of the Federal Bureau of Investigation. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

Rape is the carnal knowledge of a person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Sodomy is oral or anal sexual intercourse with another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Sexual assault with object is to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Incest is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. See Va. Code Ann. § 18.2-366.

Statutory rape is sexual intercourse with a person who is under the statutory age of Consent in the Commonwealth of Virginia, which is 18.

“**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 –

- fear for his or her safety or the safety of others; or
- suffer substantial emotional distress.

“**Student**” means any individual that enrolls in any of TCC’s Education Programs or Activities at any location served by TCC.

“**Supportive Measures**” means 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 TCC’s Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the 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, changes in work locations, leaves of absence, increased security or monitoring of parts of campus, and other similar measures. Any Supportive Measures provided to the Complainant or Respondent are maintained as confidential, to the extent that maintaining such confidentiality does not impair the ability to provide Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Overview of TCC’s Obligations

Sex discrimination, including Sexual Harassment, is strictly prohibited in any Education Program and Activity of TCC. When there is Actual Knowledge of Sexual Harassment in any Education Program or Activity of TCC against a person in the United States, TCC shall respond promptly as described in this policy.

Reporting Sex Discrimination and Sexual Harassment. Any person may report sex discrimination prohibited by Title IX, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or 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, including non-business hours.

TCC Employees' Duty to Report. All employees of TCC who have Actual Knowledge of Sexual Harassment in any Education Program or Activity of TCC against a person in the United States, must immediately report the Sexual Harassment to the Title IX Coordinator.

Equitable Treatment. Complainants and Respondents are treated equitably by offering Supportive Measures to a Complainant and by following the grievance process in the Campagna Center Title IX Procedures before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent.

TCC's Obligations. The Title IX Coordinator:

- 1) promptly contacts the Complainant to discuss the availability of Supportive Measures,
- 2) considers the Complainant's wishes with respect to Supportive Measures,
- 3) informs the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and
- 4) explains the process for filing a Formal Complaint.

Applicants for admission and employment, Students, parents or legal guardians, and employees are notified:

- of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator; and
- that TCC does not discriminate on the basis of Sex in its Education Program or Activity and that it is required by Title IX not to discriminate in such a manner. The notification states that the requirement not to discriminate extends to admission and employment and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

TCC prominently displays the contact information for the Title IX Coordinator and this Policy on its website and prominently displays the contact information for the Title IX Coordinator in each handbook or catalog it makes available to persons listed above who are entitled to notifications.

Emergency Removal. Nothing herein precludes a Respondent from being removed from TCC's Education Program or Activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any Student or other individual arising from the allegations of Sexual Harassment justifies removal, and that the Respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave. Nothing herein precludes a non-student employee Respondent from being placed on administrative leave during the pendency of a grievance process.

Training. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process receives training on the definition of Sexual Harassment prohibited by Title IX, the scope of TCC's Education Program or Activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers 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. Investigators receive training on issues of relevance in order to create investigative reports that fairly summarize relevant evidence.

Retaliation. Retaliation is strictly forbidden. No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for TCC policy or regulation that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes Retaliation. TCC shall take appropriate action against Students or TCC personnel who retaliate against any Student or TCC personnel who reports alleged harassment or participates in related proceedings.