



Title IX Discrimination Policies

Nondiscrimination Policies, Notices of Nondiscrimination, and Grievance Procedures under 2024 Amendments to the U.S. Department of Education's Title IX Regulations

August 1, 2024

Title IX prohibits sex discrimination in education programs and activities that receive Federal financial assistance. Title IX obligates all recipients to comply with Title IX and the Department's Title IX regulations, with some limited exceptions set out in the statute and regulations. When "Title IX" is referenced in this Resource, the term refers to Title IX and the regulations.

Nondiscrimination Policy & Notice of Nondiscrimination (§ 106.8(b)–(c))

Medical Career and Technical College (MCTC) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to Medical Career & Technical College Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights,⁵ or both. Medical Career & Technical College Title IX Coordinator is:

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MCTC nondiscrimination policy and grievance procedures can be located at

<https://medicalcareerandtechnicalcollege.edu>

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to

<https://medicalcareerandtechnicalcollege.edu>

Medical Career & Technical College prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at <https://medicalcareerandtechnicalcollege.edu/>

Grievance Procedures for Complaints of Sex Discrimination (§ 106.45)

Medical Career & Technical College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that MCTC investigate and make a determination about alleged discrimination under Title IX:

- A “complainant,” which includes:
- a student or employee of Medical Career & Technical College (MCTC) who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of MCTC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in MCTC education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- MCTC Title IX Coordinator

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of Medical Career & Technical College (MCTC); or
- Any person other than a student or employee who was participating or attempting to participate in MCTC education program or activity at the time of the alleged sex discrimination.

Medical Career & Technical College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedures:

Medical Career & Technical College (MCTC) will treat complainants and respondents equitably.

MCTC requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

MCTC presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

MCTC has established the following timeframes for the major stages of the grievance procedures: it will take 30-business days, for major stages, including for example, evaluation (i.e., the decision whether to dismiss or investigate a complaint); investigation; determination; and appeal, if any].

MCTC has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay: if for whatever reason the case will have to take longer for further investigation, we will extend the timeframe and let all parties involved know.

MCTC will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

MCTC will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by MCTC to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless MCTC obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of Medical Career & Technical College (MCTC) Title IX grievance procedures, MCTC will notify the parties of the following:

- MCTC's Title IX grievance procedures and any informal resolution process;
- ☐ Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. [If MCTC provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]

If, in the course of an investigation, MCTC decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, MCTC will notify the parties of the additional allegations.

Dismissal of a Complaint:

Medical Career & Technical College (MCTC) may dismiss a complaint of sex discrimination if:

- MCTC is unable to identify the respondent after taking reasonable steps to do so;

- The respondent is not participating in MCTC education program or activity and is not employed by MCTC;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and MCTC determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- MCTC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, MCTC will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, MCTC will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then MCTC will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

MCTC will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then MCTC will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, MCTC will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, MCTC will, at a minimum:

- Offer supportive measures to the complainant as appropriate;

- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within MCTC education program or activity.

Investigation:

Medical Career & Technical College (MCTC) will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on MCTC—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

MCTC will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

MCTC will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

MCTC will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- MCTC will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. [If MCTC provides a description of the evidence: MCTC will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.];
- MCTC will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- MCTC will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

Medical Career & Technical College will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. The IX Coordinator will contact the persons involved separately and will have a formal meeting.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Medical Career & Technical College (MCTC) will:

- Use the preponderance of the evidence or, if applicable, clear and convincing standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate: Coordinate the provision and implementation of remedies to a complainant and other people MCTC identifies as having had equal access to MCTC's education program or activity limited or denied by sex discrimination; Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within MCTC's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations, if offered:

Medical Career & Technical College (MCTC) offers the following process for appeals from a determination whether sex discrimination occurred: For appeals contact the IX Coordinator. This appeal process will be, at a minimum, the same as MCTC offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

Informal Resolution, if offered:

In lieu of resolving a complaint through Medical Career & Technical College (MCTC) Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. MCTC does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Supportive Measures:

Medical Career & Technical College (MCTC) will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to MCTC's education program or activity or provide support during MCTC's Title IX grievance procedures or during the informal resolution process.¹⁶ For complaints of sex-based harassment, these supportive measures may include the college will provide supportive measures to both the complainant and the respondent as appropriate and as reasonably available.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, Medical Career & Technical College (MCTC) may impose disciplinary sanctions, which may include being removed from the school immediately, suspension, mandatory participation in programs, revocation of honors, awards, etc. MCTC may also provide remedies, which may include steps to address the harm, steps to prevent its recurrence, and possibly extended academic work, which steps can vary based per case.

Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Postsecondary Institutions (§ 106.46)

Medical Career & Technical College (MCTC) has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

When a party is both a student and an employee of a postsecondary institution, the 2024 amendments require an institution to make a fact-specific inquiry to determine whether the requirements of § 106.46 apply. In making this determination, a postsecondary institution must, at a minimum, consider whether the party's primary relationship with the postsecondary institution is to receive an education and whether the alleged sex-based harassment occurred while the party was performing employment-related work.

The 2024 amendments give postsecondary institutions discretion to choose to use certain procedures (e.g., single investigator, live hearings) for some, but not all, complaints. If a postsecondary institution adopts certain procedures that apply to the resolution of some, but not all, complaints of sex-based harassment, the 2024 amendments require the postsecondary institution to articulate consistent principles for how the institution will determine which procedures apply. Accordingly, a postsecondary institution must provide information in its grievance procedures regarding what factors, if any, it will consider when determining under what circumstances or to which types of sex-based harassment complaints certain procedures apply.

The 2024 amendments permit a postsecondary institution's grievance procedures to also include additional provisions beyond those required by the 2024 amendments, as long as they apply equally to the parties.

Under the 2024 amendments, a postsecondary institution's grievance procedures for complaints of sex-based harassment involving a student party must be in writing and must include the required components set forth in §§ 106.45 and 106.46.

The information in the following statements incorporates the requirements of the Title IX grievance procedures:

Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that MCTC investigate and make a determination about alleged sex-based harassment under Title IX:

- A "complainant," which includes:
- a student or employee of MCTC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of MCTC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in MCTC education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- MCTC Title IX Coordinator

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

MCTC may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. 19 When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedures:

Medical Career & Technical College (MCTC) will treat complainants and respondents equitably.

MCTC requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or

respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

MCTC presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

MCTC has established the following timeframes for the major stages of the grievance procedures: 30 business days ideally for the grievance stages to be complete, and notice of the allegations will be ideally 7 business days, for major stages, including for example, evaluation (i.e., the decision whether to dismiss or investigate a complaint); investigation; determination; and appeal, if any].

MCTC has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay: a request for extension must be made, and then the evaluation of the request will take place, decision will be made, communication will then be provided for both parties, and the everything will be documented.

MCTC will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

MCTC will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by

MCTC to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless MCTC obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent

to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations:

Upon initiation of these Title IX grievance procedures, Medical career & Technical College (MCTC) will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- MCTC Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.

If, in the course of an investigation, MCTC decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

Medical Career & Technical College (MCTC) may dismiss a complaint if:

- MCTC is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in MCTC education program or activity and is not employed by MCTC
- MCTC obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and MCTC determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- MCTC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, MCTC will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, MCTC will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then MCTC will notify the parties simultaneously in writing.

MCTC will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then MCTC will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, MCTC will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, MCTC will, at a minimum:

- Offer supportive measures to the complainant as appropriate
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within MCTC education program or activity

Investigation:

MCTC will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on MCTC—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

MCTC will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

MCTC will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- MCTC will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- MCTC may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

MCTC will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

MCTC will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

MCTC will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

MCTC will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- MCTC will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. [If MCTC provides access to an investigative report: MCTC will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.];
- MCTC will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If MCTC conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. [MCTC may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing.]; and
- MCTC will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses:

Medical Career & Technical College (MCTC) will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

When MCTC chooses not to conduct a live hearing, MCTC process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

When MCTC chooses to conduct a live hearing: MCTC process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. [If MCTC permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, MCTC will provide the party with an advisor of MCTC choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, MCTC will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.]

Procedures for the decisionmaker to evaluate the questions and limitations on questions: The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions: The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Procedures for a Live Hearing, if offered:

Medical Career & Technical College (MCTC) will conduct the live hearing with the parties physically present in the same geographic location or, at MCTC discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

MCTC will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, MCTC will:

- Use the [preponderance of the evidence or, if applicable, clear and convincing] standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that MCTC used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions MCTC will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by MCTC to the complainant, and, to the extent appropriate, other students identified by MCTC to be experiencing the effects of the sex-based harassment; and
 - MCTC procedures and permissible bases for the complainant and respondent to appeal.
 - MCTC will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
 - If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people MCTC identifies as having had equal access to MCTC education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within MCTC education program or activity.
 - Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that MCTC provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals:

Medical Career & Technical College (MCTC) will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, MCTC will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;²⁷
- Communicate to the parties in writing that MCTC will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal MCTC offers will be equally available to all parties.

Informal Resolution, if offered:

In lieu of resolving a complaint through Medical Career & Technical College (MCTC) Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. MCTC will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. MCTC will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, MCTC will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;

- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information MCTC will maintain and whether and how MCTC could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures:

Medical Career & Technical College (MCTC) will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the MCTC education program or activity or provide support during MCTC Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include academic accommodations, campus escort, and legal services.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, Medical Career & Technical College (MCTC) may impose disciplinary sanctions, which may include a formal warning, probation, expulsion. MCTC may also provide remedies, which may include restorative academic adjustments, increased campus safety measures, and career and professional support.