

SPARTAN

SPARTAN TITLE IX POLICY

POLICY PURPOSE:

Spartan College of Aeronautics and Technology (“Spartan” or the “College”) is committed to equal educational and employment opportunities and to the elimination of all forms of Sex Discrimination, including Sex-Based Harassment, and Retaliation. This Policy addresses the types of conduct which are prohibited by Spartan in order to maintain its longstanding commitment to a campus environment free from these types of misconduct.

JURISDICTION:

Persons: This policy applies to all Spartan Students, applicants for admission, employees, applicants for employment, affiliates, guests, College Community Members and others who are subject to the jurisdiction and authority of the College to impose Disciplinary Sanctions with respect to matters of Sex Discrimination, Sex-Based Harassment and Retaliation.

Conduct: The College has jurisdiction and authority to investigate and impose disciplinary sanctions for:

- Sex Discrimination that occurs within the United States when the Respondent is a Student, or is eligible to return as a Student, or an employee of the College, that is alleged to have occurred on and after August 1, 2024. Complaints received at any time by the College concerning conduct that is alleged to have occurred prior to August 1, 2024 are covered under a prior version of this policy, available from the Title IX Coordinator upon request.
- Sex-Based Harassment, even when some of the conduct occurred outside of the College’s Education Program or Activity or outside of the United States when 1) the effects of the conduct limit or deny access to the College’s education program, activities, 2) the conduct would constitute a violation of law, or 3) the conduct is otherwise prohibited by this Policy, regardless of the status of the Complainant.

DEFINITIONS:

Advisor: A person selected by a Party or assigned by the College to aid a Party in any proceeding under this Policy, including accompanying the Party to all meetings, interviews, hearings, appeals and other proceedings.

Complainant: A person who is alleged to have been subjected to conduct that could constitute a violation of this policy at a time when that individual was a Student or employee of the College, or who was participating or attempting to participate in Spartan’s Education Program or Activity.

Complaint: An oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged Discrimination or Protected Class Harassment.

Confidential Employee: A College employee whose communications are privileged or confidential under applicable federal or state law, or who has otherwise been designated by the College as a Confidential Employee for the purpose of providing services to persons related to Sex Discrimination, with respect to information received while the employee is functioning within the scope of their duties to which the privilege or confidentiality applies. Examples of Confidential Employees include mental health counselors and medical treatment providers if available through Spartan.

Consent: Clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent cannot be given by a person who lacks capacity because of their age or temporary or permanent physical or mental condition. Consent must exist at all times during sexual activity and can be withdrawn at any time by words or actions.

Decisionmaker: The individual responsible for reviewing the investigation report and rendering a decision on whether the Respondent is responsible for violating this Policy. This may be either the Title IX Coordinator or designee, for matters relating to allegations of policy violations where the Respondent is an employee, or the Associate Director of Student Conduct & Community Standards where the Respondent is a Student.

Education Program(s) or Activity(ies): Any academic, extracurricular, research, occupational training, athletic, or other education program or activity operated by the College, including activities that occur in a building owned or controlled by a student organization that is officially recognized by the College.

Grievance Procedures: Those procedures adopted and published by the College implementing and effectuating this policy.

Intimate Partner Violence: Collectively refers to Dating Violence, Domestic Violence, or Stalking, defined as follows:

- *Dating Violence* means an act or threatened act of violence upon a person who has been in a social relationship of a romantic or intimate nature with the victim. Whether there was a romantic or intimate relationship will be gauged by the length of the relationship, the type of relationship, and frequency of interaction between the persons involved in the relationship. Dating Violence does not include acts covered under the definition of Domestic Violence.
- *Domestic Violence* means committing a felony or misdemeanor crime under the law of the jurisdiction where it occurred, by a person who:
 - Is a current or former spouse or intimate partner of the victim under the domestic violence laws of Colorado, or a person similarly situated to a spouse of the victim.

- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner.
- Shares a child in common with the victim.
- Commits acts against a youth or adult victim who is protected from those acts under the applicable domestic violence laws of the state in which the Spartan campus is located and the acts occurred.
- *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress; or directly or indirectly through another person, or by electronic means, knowingly making a credible threat to another person and, in connection with the threat, repeatedly following, approaching, contacting, placing under surveillance, or communicating with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship.

Investigator: An individual assigned by the Title IX Coordinator to investigate the matters contained in the report or Complaint that has been brought to the attention of the Responsible Administrator, unless the Responsible Administrator has determined that the matter should be dismissed without an investigation.

Party or Parties: A Complainant and/or Respondent.

Respondent: A person accused of engaging in conduct prohibited by this policy.

Responsible Administrator: The Title IX Coordinator, a Deputy Title IX Coordinator or their respective designee who is responsible for administering this policy and the related Grievance Procedures in a particular case.

Retaliation: Intimidation, threats, coercion, or discrimination against a person by the College, its Student, employee, or authorized agent, for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because that person reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or other actions taken by the College under this policy or opposed a discriminatory practice.

Sex Discrimination: Treating someone differently based on their sex-based characteristics or perceived characteristics in matters of admissions, employment, or Education Programs or Activities of the College, including discrimination based on sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity or expression. Sex Discrimination includes Sex-Based Harassment and Sexual Misconduct as further described in this policy.

Sex-Based Harassment is a form of Sex Discrimination that includes harassment on the basis of a person's sex including, but not limited to:

- *Quid Pro Quo Harassment*: An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under an Education Program or Activity of the College, explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct; or
- *Hostile Environment Harassment*: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a College Education Program or Activity.

Sexual Assault: Non-consensual sexual contact, and any offense classified as a forcible or nonforcible sex offense under the [uniform crime reporting system of the Federal Bureau of Investigation](#), which include forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape.

Sexual Exploitation: Conduct involving a Respondent taking, or attempting to take, non-consensual or abusive sexual advantage of a Complainant including, but not limited to:

- Producing, distributing, receiving, or possessing illegal pornography involving the Complainant, regardless of whether the illegal pornography is physical or digital;
- Engaging in sexual voyeurism or knowingly allowing another individual to engage in sexual voyeurism of the Complainant, either in person or through electronic means;
- Producing, creating, distributing, intentionally receiving, or possessing pictures/videos of a sexual nature, or otherwise creating a record or recording of a sexual nature, involving the Complainant without the Complainant's Consent;
- Benefiting, promoting, or earning money from the prostitution of the Complainant; or
- Intentionally exposing one's genitals in non-consensual circumstances involving the Complainant, or inducing another to do so.

Sexual Misconduct: Collectively refers to Intimate Partner Violence, Sexual Assault, and/or Sexual Exploitation.

Student: A person who has gained admission to the College.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent, to:

- Restore or preserve that Party's access to the College's Education Program or Activity, including measures that are designed to protect the safety of the Parties or the College's educational environment; or

- Provide support during the College’s Grievance Procedures or during the informal resolution process described in the Grievance Procedures.

Title IX: Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681-1688, and related regulations codified in 34 C.F.R. Part 106.

Title IX Coordinator: A non-confidential employee of the College who is responsible for coordinating the College’s efforts to comply with its obligations under Title IX. The Title IX Coordinator may be assisted by one or more Deputy Title IX Coordinators appointed by the College.

College Community Member: Students, faculty, staff, and other employees and volunteers, affiliates, guests of the College, and certain third parties (where provided by law or contract) including, but not limited to, College agents, contractors, consultants, grantees, subcontractors, and their employees, who participate or seek to participate in the College’s Education Programs and Activities.

POLICY:

1. The College prohibits all forms of unlawful Sex Discrimination, Sex or Retaliation. The College will not tolerate such behavior, and will respond fully, fairly, promptly, and equitably to all Complaints it receives.
2. In the limited circumstances in which Title IX permits different treatment or separation on the basis of sex, the College and those acting on its behalf must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, i.e., harm that is so slight or insignificant that it does not merit attention by the College. It is presumed that adopting a policy or engaging in a practice that prevents a person from participating in an Education Program or Activity consistent with the person’s gender identity subjects a person to more than de minimis harm.
3. **Obligation to Report Sex Discrimination:**
 - a. Reports Sex Discrimination, including Sex-Based Harassment, or Retaliation should be made to the Title IX Coordinator (or designee).
 - b. All Spartan employees have an obligation to respond in some way to a report of a policy violation of which they become aware, subject to the specific obligations explained below.
 - i. An employee who is not a Confidential Employee who has knowledge of conduct that reasonably may constitute a violation of this policy must notify the Title IX Coordinator promptly.
 - ii. A Confidential Employee of the College is not required to notify the Title IX Coordinator after having knowledge of Sex Discrimination, but must

provide information to anyone who informs them of the alleged conduct about their status as confidential for purposes of Title IX, how to contact the Title IX Coordinator, how to make a Complaint, and how the Title IX Coordinator can help.

- iii. Notwithstanding the above, a person who has personally been subject to conduct that reasonably may constitute Sex Discrimination is not required to report information about that conduct if they do not wish to.

4. How to Make a Report:

At any time, any person may report an incident of Sex Discrimination, Sex-Based Harassment, Sexual Misconduct or Retaliation to the Title IX Coordinator or a Deputy Title IX Coordinator in person, by telephone or email as follows:

Title IX Coordinator:

Liz Skidmore
 Director of Internal Compliance Audits
 Title IX Coordinator
TitleIXreporting@spartan.edu
 (312) 766-9125

Deputy Title IX Coordinators:

Broomfield	Riverside	Inglewood	Flight	Tulsa
Corey O'Brien	Therese Sandoval	Therese Sandoval	Tami Buttry	Tami Buttry
Dean of Student Affairs & System Career Services Specialist Deputy Title IX Coordinator	Director, Career Service Deputy Title IX Coordinator	Director, Career Service Deputy Title IX Coordinator	Dean of Student Affairs Deputy Title IX Coordinator	Dean of Student Affairs Deputy Title IX Coordinator
10851 W. 120th Avenue	4130 Mennes Ave., Bldg #36	8911 Aviation Blvd.	123 Cessna Dr.	8820 E. Pine Street
Broomfield, CO 80021	Riverside, CA 92509	Inglewood, CA 90301	Tulsa, OK 74132	Tulsa, OK 74115
(303) 410-2418	(310) 579-9416	(310) 579-9416	(918) 831-5211	(918) 831-5211
corey.obrien@spartan.edu	therese.sandoval@spartan.edu	therese.sandoval@spartan.edu	tami.buttry@spartan.edu	tami.buttry@spartan.edu

Law Enforcement:

Reports of Sexual Misconduct (Sexual Assault, Sexual Exploitation, and Intimate Partner Violence) and any other potential crime may also be reported to local law enforcement:

For all Emergencies: 911

Non-Emergency Dispatch by Campus Location:

Broomfield, CO – (303) 438-6400

Riverside, CA - (951) 354-2007

Inglewood, CA – (310) 412-8771

Tulsa, OK – (918) 596-9222

5. **Pregnancy:**

Whether or not a Complaint is made under this policy, when a Student (or a Student's parent or other legal representative) informs a College employee of the Student's pregnancy or related conditions, the employee must provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent Sex Discrimination and ensure the Student's equal access to the College's Education Programs or Activities.

6. In addition to the reporting obligations explained in this policy, all individuals who believe they have experienced any incident that is potentially subject to this policy, and all members of the College Community who may be aware of such incidents, are encouraged to promptly report the incident to the OIE.

7. For every report received, the College will review the circumstances of the reported conduct to determine whether the College has jurisdiction over the Parties involved, and take steps within its control to eliminate, prevent, and address the reported conduct. The College will respond promptly and effectively to all reports received, assess all available information, and, where appropriate, offer the Parties information regarding resources and Supportive Measures.

8. **Grievance Procedures:**

The College will provide a fair and equitable process in all matters alleged under this Policy and will adopt Grievance Procedures to implement this policy. The Grievance Procedures will address the steps in the adjudication process from the receipt of the Complaint through the final decision on any appeal that may be filed. In all Grievance Procedures, this Policy will apply, including the Definitions above.

9. Making a Complaint:
 - a. A Complaint of any alleged violation of this policy may be made by a Complainant or a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant.
 - b. For Sex Discrimination, including Sex-Based Harassment, a Complaint may also be made by the Title IX Coordinator, who may bring a Complaint against a Respondent in the absence or withdrawal of a Complaint by a Complainant, if the Title IX Coordinator determines that the conduct alleged presents an imminent and serious threat to the health or safety of any person, or prevents the College from ensuring equal access on the basis of sex to its Education Program or Activity.
 - c. For Sex Discrimination other than Sex-Based Harassment, a Complaint may also be made by any student or employee, or any person who was participating or attempting to participate in an Education Program or Activity at the time of the alleged Sex Discrimination.
 - d. All Complaints should be made to the Title IX Coordinator. A form for submitting a Complaint is provided (insert web-based form link or, if none, email and contact info).
10. After the Responsible Administrator receives notice of a Complaint or the Title IX Coordinator initiates a Complaint, the appropriate official must take steps to address reasonable concerns about the Complainant's safety or the safety of others, including by providing Emergency Measures and/or Supportive Measures. The appropriate official will then initiate an investigation into the matters alleged in the Complaint under the Grievance Procedures.
11. Dismissal of the Complaint:
 - a. The Responsible Administrator may dismiss a Complaint, or any allegations in the Complaint, under certain circumstances as provided in the Grievance Procedures.
 - b. The decision to dismiss a Complaint may be appealed as provided under Appeals, below.
12. Informal Resolution: In lieu of the formal Grievance Procedures, the Parties may elect to participate in an informal resolution process offered by the College in appropriate cases. Informal resolution is not available when it would conflict with any applicable law or when the Title IX Coordinator determines it is inappropriate based on the allegations. Steps in the informal resolution process are outlined in the Grievance Procedures.
13. Emergency Removal:
 - a. After receiving the Complaint or any information that a violation of this policy may have occurred, the Responsible Administrator will conduct an individualized safety

and risk analysis to determine whether an imminent and serious threat to the health or safety of a Complainant or any Student, employee, or other person is present. If it is determined that such a threat exists, the College may take emergency action to address the threat, including, but not limited to, removing the Respondent from all Education Programs and Activities, excluding them from campus, and/or referring the matter to law enforcement for further action.

- b. If a decision is made to remove the Respondent, the College will provide the Respondent with notice and an opportunity to challenge the action immediately following the removal. If the Respondent is an employee of the College, emergency removal may include placing them on administrative leave pursuant to applicable leave policies and procedures.

14. Supportive Measures:

- a. The College will offer and coordinate Supportive Measures as reasonably available and appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the College's Education Program or Activity or provide support during any Title IX Grievance Procedures, including an informal resolution process.
- b. Either Party may seek a reversal or modification of a Supportive Measure applicable to them by contacting the Title IX Coordinator at any time while the Supportive Measure is in place or within five College business days after the decision to provide, deny, modify or terminate a Supportive Measure.
- c. See the Grievance Procedures for more information about Supportive Measures.

15. Investigations:

- a. All investigations will be conducted by the College in a manner that is adequate, reliable and impartial. The burden is on the College, not on the Parties, to conduct an investigation that gathers sufficient evidence to determine whether the alleged policy violation occurred.
- b. Investigations and all Grievance Procedures will be conducted with reasonable promptness. Specific timeframes may be contained in the Grievance Procedures. Timeframes may reasonably be extended on a case-by-case basis for good cause with notice to the Parties of the reason for the delay. Unreasonable or abusive requests for extensions will not be granted.

16. Hearings:

Hearings shall be conducted by a Decisionmaker in accordance with the Grievance Procedures. The Decisionmaker must:

- a. Review the investigation report, conduct a hearing and make a determination as to Respondent's responsibility for violating this policy.

- b. Provide the decision, in writing, delivered either directly or through the Title IX Coordinator (or designee) to the Parties. As may be applicable, the decision may also be provided to other College officials if relevant to any additional action that may become necessary or advisable under College policies or procedures following the decision.
 - c. Inform the Parties of their rights to appeal the decision.
 - d. If the Decisionmaker finds the Respondent has violated the Title IX Policy or any other policy of the College, determine appropriate sanctions.
17. Confidentiality: The College will take reasonable steps to avoid disclosure of any personally identifiable information of the Parties or any person involved in a proceeding under this policy. Such information shall only be disclosed when:
- a. The person at issue in the information gives prior, written consent to the disclosure;
 - b. The information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person;
 - c. The disclosure is necessary to carry out this policy and the Grievance Procedures or otherwise address conduct that reasonably may constitute a violation of this policy;
 - d. The disclosure is required by law or court order; or
 - e. The disclosure is necessary to address any other College policy violation or employment matter.
18. Nothing in this policy is intended to supplant, delay, or interfere with any criminal or civil action in a court of law concerning the conduct alleged in a Complaint; nor shall the filing of any such action necessarily terminate, delay, or interfere with the College's response under this policy.
19. It is a violation of this policy to knowingly make false statements or knowingly submit false information during an investigation or Grievance Procedure. A finding of no violation of the policy does not in and of itself constitute evidence of anyone having made a false statement.
20. Retaliation:
- a. Retaliation against a Complainant, Respondent, or any person involved in the investigation will not be tolerated. Those found to have Retaliated against any individual will be disciplined according to the applicable disciplinary procedures based on their status at the College.
 - b. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the Procedures under this policy.

- c. Depending upon the facts, examples of conduct that may be retaliation may include, but are not limited to demotion, denial of raise, termination, threats, harassment, and intimidation.

21. Sanctions

- a. Sanctions will be determined with reference to the Respondent's status at the College and applicable handbooks, policies or procedures including but not limited to the College Catalog and employment policies.
- b. The range of possible sanctions may be found in the Grievance Procedures.

22. Appeals

- a. Either Party may appeal dismissal of a Complaint for Sex Discrimination, or of the final determination in any complaint, as to whether any policy violation occurred. The bases for an appeal of a dismissal or decision are limited to:
 - i. Procedural irregularity that would change the outcome;
 - ii. New evidence that would change the outcome and that was not reasonably available when the determination of whether sex-based harassment occurred or dismissal was made; and
 - iii. 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.
- b. See the Grievance Procedures for more information on appeals.

RESPONSIBILITIES:

1. The Title IX Coordinator must:

- a. Oversee the College's compliance with Title IX, including this policy, procedures, education and prevention efforts.
- b. Monitor the College's Education Program and Activity to identify barriers to reporting information that reasonably may constitute Sex Discrimination under Title IX.
- c. Coordinate education and training of all employees, with specific training as to Title IX and its procedures for those involved in the Title IX process, as further described in the Grievance Procedures.
- d. Coordinate education and training to College Community Members on when employees must notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination under Title IX, and how Students can seek confidential assistance or make a Complaint of Sex Discrimination.

- e. Notify College Community Members of how to contact Spartan’s Confidential Employees, if applicable.
 - f. Oversee compliance with this policy and applicable procedures.
2. The Responsible Administrator must:
- a. Upon being notified of conduct that reasonably may constitute Sex Discrimination under Title IX:
 - i. Treat the Complainant and Respondent equitably.
 - ii. Offer and coordinate Supportive Measures, as appropriate, for the Complainant. If the College has initiated Grievance Procedures or offered an informal resolution process to the Respondent, the Title IX Coordinator must also offer and coordinate Supportive Measures, as appropriate, for the respondent. (§ 106.44(f)(1)(ii)).
 - iii. Notify the Complainant, or if the Complainant is unknown, the individual who reported the conduct, of the Title IX Grievance Procedures and the informal resolution process, if available and appropriate.
 - iv. If a Complaint is made, notify the Respondent of the Title IX Grievance Procedures and the informal resolution process, if available and appropriate.
 - v. Regardless of whether a Complaint is initiated, take appropriate, prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College’s Education program or Activity, in addition to providing remedies to an individual Complainant.
 - vi. Diligently follow the Title IX Grievance Procedures to their conclusion.

RECORDKEEPING:

The College will maintain records of Complaints and procedures under this Policy for a period of seven years.