



MTI COLLEGE

# **MTI**

# **Health and Safety**

# **Manual**

The policies contained in this handout may also be obtained in the following ways:

MTI College Website: <https://www.mticollege.edu/mti-college/disclosures/>

Elearning Website: <https://elearning.mticollege.edu/>

Hard Copy by Request: 5221 Madison Ave, Sacramento, CA 95841 (916) 339-1500

**Revised 4/2022**

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## Safety At-A-Glance

### To Report an On-Campus Crime or Emergency

**Step 1: Get to safety**

**Step 2: Dial 911 (if immediate assistance is required)**

**Step 3: Notify an MTI On-Campus Emergency Contact**

### On-Campus Emergency Contacts

During the day:

	Phone	Cell
• Lawrence Richman, Campus Director	(916) 339-4371	(916) 204-1713
• Michael Zimmerman, President	(916) 339-4360	(916) 837-6803
• Campus Security	(916) 233-4700	

During the evening:

• Campus Security	(916) 233-4700	
• Lawrence Richman, Campus Director	(916) 339-4371	(916) 204-1713
• Michael Zimmerman, President	(916) 339-4360	(916) 837-6803

Please Note:

- Security personnel patrol the parking lot from 4:00 p.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. Saturday and Sunday. In addition, late night patrols are conducted on a daily basis.
- Any of the emergency contacts can also be contacted through the front desk in the main building or by calling (916) 339-1500.

When reporting a crime, every effort should be made to preserve any evidence for the investigative authorities. Also, when dialing 911 for immediate assistance, callers are reminded to be prepared to provide a clear location for the emergency response authorities.

### Fire Extinguisher Locations

Main Building .....Outside rooms 100, 104, 109, 110, and in Financial Aid hallway  
North Annex (Downstairs) .....Outside rooms A19, A20, and student lounge  
North Annex (Upstairs) .....Outside rooms B10, B11, B14, and across from elevator  
Paul Mitchell Building (Downstairs) .....Outside CORE classroom and next to side door on clinic floor  
Paul Mitchell Building (Upstairs) .....Outside Project Room

### First Aid Kit Locations

Main Building ..... Front Desk, Room 114, and Dean of Students office  
North Annex (Downstairs) ..... Healthcare Department Chair's office (in director's hallway, behind lobby)  
Paul Mitchell Building (Downstairs) ..... Receptionist's Desk

### Reporting General Safety Concerns

For your safety and the safety of others on campus, please report any unsafe conditions or safety hazards to Lawrence Richman at (916) 339-4371 or Michael Zimmerman at (916) 339-4360.

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## Procedures for Reporting an On-Campus Crime or Emergency

Students, faculty, staff, and guests of MTI College are strongly encouraged to report all crimes and other public-safety related incidents to campus safety authorities as follows:

- All life-threatening emergencies and serious crimes requiring immediate assistance should be reported by first dialing 911 and then notifying the campus director, president or campus security.
- Other crimes and safety related incidents should be reported to the campus director, president or campus security. This includes any individuals acting suspiciously or other questionable activities observed on campus.

### During the day:

	Phone	Cell
• Lawrence Richman, Campus Director	(916) 339-4371	(916) 204-1713
• Michael Zimmerman, President	(916) 339-4360	(916) 837-6803
• Campus Security	(916) 233-4700	

### During the evening:

• Campus Security	(916) 233-4700	
• Lawrence Richman, Campus Director	(916) 339-4371	(916) 204-1713
• Michael Zimmerman, President	(916) 339-4360	(916) 837-6803

### Please Note:

- Security personnel patrol the parking lot from 4:00 p.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. Saturday and Sunday. In addition, late night patrols are conducted on a daily basis.
- Any of the emergency contacts can also be contacted through the front desk in the main building or by calling (916) 339-1500.

When reporting a crime, every effort should be made to preserve any evidence for the investigative authorities. Also, when dialing 911 for immediate assistance, callers are reminded to remain calm and be prepared to provide a clear location for the emergency response authorities.

MTI employees who observe or become aware of an alleged incident or crime involving an MTI student, campus visitor or employee are required to report it to the campus director, president or CFO. If the incident or crime involves sexual violence, including dating violence, domestic violence, or stalking, the following Title IX coordinator and/or Title IX deputy coordinator must also be notified:

Eric Fernandez, Esq., Title IX Coordinator, [efernandez@mticollege.edu](mailto:efernandez@mticollege.edu) or (916) 339-4371.  
Lawrence Richman, Title IX Deputy Coordinator, [lrichman@mticollege.edu](mailto:lrichman@mticollege.edu) or (916) 339-4371

In the event of sexual assault, the victim's physical and emotional well-being is the first priority. The Title IX Coordinator and/or Title IX Deputy Coordinator will provide assistance and information on resources and services that are available.

On an annual basis, the College submits its crime report to the Department of Education. This information is available to students for review and is maintained in a binder kept in the Financial Aid office.

All employees have the right to ask any question, or report any safety hazards, either directly or anonymously without any fear of reprisal.

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## Emergency Response and Evacuation

The safety and well-being of MTI students, employees and guests is of utmost importance. The following procedures have been created to make employees aware of what to do in the event of an emergency. During an emergency situation, staff and faculty are expected to work together to ensure the welfare and safety of each other as well as any students and visitors on campus. While the following emergency procedures are in place and apply campus-wide, MTI staff and faculty are expected to cooperate fully with police, fire or rescue personnel in the event that alternate instructions are given.

At the conclusion of any emergency situation, the campus director shall be responsible for communicating with MTI and the surrounding community regarding the event(s) which have taken place and the measures that were taken to ensure safety.

### Emergency Coordinators and Contacts

MTI maintains four emergency coordinators on campus to act as primary points of contact in the event of an emergency. When a situation arises, contact an emergency coordinator immediately. You may ask someone else to call while you are talking to 911 dispatch.

	Phone	Cell
During the day:		
• Lawrence Richman, Campus Director	(916) 339-4371	(916) 204-1713
• Michael Zimmerman, President	(916) 339-4360	(916) 837-6803
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• Lawrence Richman, Campus Director	(916) 339-4371	(916) 204-1713
• Michael Zimmerman, President	(916) 339-4360	(916) 837-6803

### Evacuation Procedures

In the event of an emergency, the campus director or a designated backup will determine if it is necessary to evacuate the campus. If a complete evacuation is necessary, the campus director or designee will activate the fire alarm in each building which will signal to staff and faculty to inform students and begin exiting the buildings. If only a portion of the campus needs to be evacuated, the campus director or a designee will communicate directly with the staff and faculty who are involved.

#### When evacuating the buildings:

- Take personal belongings.
- Walk (*do not run*) to the nearest stairway or exit.
- Do not use the elevator.
- Exit the building and proceed to the designated evacuation location.
- Leave walkways and driveways open and clear for arriving fire and rescue personnel.
- Follow directions given by fire, police, or rescue personnel.
- Do not leave the evacuation location until you are told it is OK to do so.

\*Note: If there is a first aid kit in your work area, take it with you to the evacuation location.

### Procedures for Instructors:

- Instruct students to exit the building following the procedure outlined above.
- Secure assistance for any students who may need help exiting the building due to physical limitations.
- Prior to exiting, make sure that the classroom is empty, and the door is closed.
- Bring the attendance roster to the designated evacuation location and verify that all students who are in attendance that day are accounted for.
- Instruct students to remain in the evacuation location until they are told it is OK to leave.

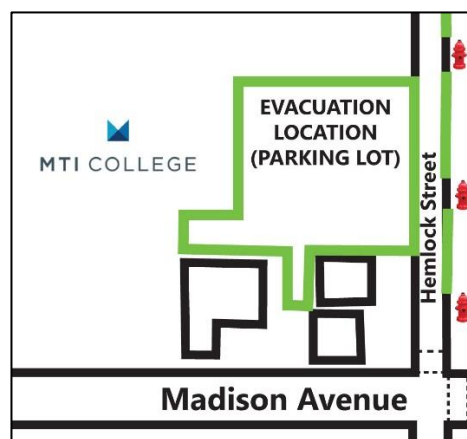
### Procedures for Emergency Coordinators:

Emergency Coordinators will ensure that all students, faculty, staff and visitors have been safely evacuated from the buildings. The following areas are to be checked during an evacuation to ensure they have been vacated:

- Classrooms
- Offices
- LRC
- Lounges
- Restrooms
- Stairways
- Hallways
- Elevator

### Designated Evacuation Location

The designated meeting place is located at the north end of the main parking lot, furthest away from the buildings. The campus director or designee will adjust the evacuation location as necessary to best ensure the safety of all.



### Tips for Calling 911

Whenever help is needed in an emergency situation, **Call 911**.

- Stay calm and speak clearly.
- State your emergency.
- Give your name and the address and phone number from which you are calling.
- Allow the 911 dispatcher to direct the conversation.
- Answer the dispatcher's questions clearly and calmly.
- Follow any directions the dispatcher gives you.
- Listen carefully and ask questions if you do not understand.
- Remain on the telephone. Do not hang up until directed to do so by the dispatcher.

### Medical Emergencies

- A student or employee who observes an injury or who becomes injured while on campus grounds should immediately report the incident to a supervisor, manager or the campus director. The staff person receiving the report will determine the immediate needs of the victim and will make arrangements to address those needs as appropriate.

- In the event of a life-threatening medical situation, call 911 immediately. Conditions may include (but are not limited to): severe chest pains, gunshot wounds, severe burns, hemorrhaging, severe head injuries, and open (compound) fractures.
- When there is an individual who is ill or injured, the following steps should be taken:
  - Keep the victim as comfortable as possible.
  - Do not move the victim any more than is necessary for his/her safety.
  - Never administer liquids to an unconscious victim.
  - Do not remove objects that may be embedded in the victim's skin.
  - Secure the accident scene.

**First Aid Kit Locations**

Main Building .....	Front Desk, Room 114, and evening dean's office
North Annex (Downstairs) .....	Healthcare Department Chair's office (in director's hallway, behind lobby)
Paul Mitchell Building (Downstairs) .....	Receptionist's Desk

**Fire**

**In the event of a fire in the building:**

- Activate the fire alarm immediately.
- Call 911.
- Contact the emergency coordinator immediately.
- Evacuate the immediate area following the evacuation procedure outlined above.

**Clothing Fires – STOP, DROP and ROLL**

- If clothing catches fire, *do not* run!
- Immediately drop to the floor and roll repeatedly to extinguish the flames, covering your face with your hands to protect it from the flames.

**Fire Extinguishers**

Fire extinguishers are located throughout each building in hallways, laboratories, mechanical rooms, and other areas. Report missing, discharged or damaged fire extinguishers to the president as soon as possible. If a fire extinguisher is used, do not return it to its cabinet or bracket. Report the used fire extinguisher to TSD immediately so it can be replaced.

**Fire Extinguisher Locations**

Main Building .....	Outside rooms 100, 104, 109, 110, and in Financial Aid hallway
North Annex (Downstairs) .....	Outside rooms A19, A20, and student lounge
North Annex (Upstairs) .....	Outside rooms B10, B11, B14, and across from elevator
Paul Mitchell Building (Downstairs) .....	Outside CORE classroom and next to side door on clinic floor
Paul Mitchell Building (Upstairs) .....	Outside Project Room



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## Earthquake

### If you are inside at the time of an earthquake:

- Immediately move away from windows and take cover under something sturdy such as a table or desk.
- Cover your head with your arms to protect your face.
- If you cannot reach cover, brace yourself in an interior doorway or crouch in an interior corner away from windows, shelves or cabinets.
- Do not try to go outside.
- Remain in the building until the need for evacuation is considered necessary.
- When evacuation is necessary, follow evacuation procedure outlined above.

### If you are outside at the time of an earthquake:

- Move away from the sides of buildings, overhead wires, or other hazards.
- Stay clear of any wires that have fallen, exposed pipes or other hazards.
- Do not light fires or matches due to possible gas leaks.
- Proceed to the designated evacuation location.

### If you are driving at the time of an earthquake:

- Pull over to the side of the road and stop.
- Avoid overpasses and power lines.
- Stay inside the vehicle until the shaking is over.
- Be prepared for aftershocks.

## Bomb Threat/Explosive Device

Take any bomb threat seriously and report it immediately to an emergency coordinator.

### If a written threat is received:

- Call 911 immediately.
- Contact the emergency coordinator immediately.
- Do not handle the note any more than necessary.
- Place the note in an envelope to preserve possible fingerprints.

### If the threat is made over the telephone:

- Note the exact time of the call.
- Attempt to write down the exact words of the caller.
- Ask the caller to repeat information.
- Try to get information about where the bomb is planted, when it may be detonated, etc.
- Ask specific questions: when, where, what, who, why.
- Make notes of the caller's voice: male/female, accent, use of unusual phrases, tone, etc.
- If possible, signal to another person (ie. write a note) that the call is a bomb threat.
- Call 911 immediately.
- Contact the emergency coordinator immediately.
- Do Not attempt to physically locate or verify the placement of the device.

### If a suspected explosive device is found on campus, DO NOT touch it:

- Call 911 immediately.
- Contact the emergency coordinator immediately.
- Evacuate the immediate area following the evacuation procedure outlined above, directing the flow of traffic away from the area where the device may be located.
- Do not use walkie/talkies or cell phones in the suspected vicinity of the bomb as transmission may detonate the device.

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## Persons Acting Suspiciously

If a person is acting suspiciously on or near campus property:

- Notify an emergency coordinator immediately.
- Provide a complete description of the person, including what he/she was doing, his/her last known location and direction of travel.
- Call 911 to make a report.

**Police activity on-site or in neighboring/nearby areas** - A student or employee who becomes aware of heightened activity should immediately report the incident to a supervisor, manager or the campus director. The campus director or designee will make the determination as to whether or not the campus should proceed into **lockdown**.

### Lockdown

- Campus Director / Designee will ensure that Exterior doors to main building, north annex and south annex (Paul Mitchell building) are locked.
- Students / Staff should remain in their classrooms until situation has been cleared
- Staff member should remain by locked doors to let students or guests coming in for appointments into the building.

### Procedures for Instructors:

- Continue to conduct classes normally unless otherwise directed.
- Wait for "all clear" before releasing classes/students

## Incident Reporting

It is the responsibility of the Personnel Officer (CFO) to keep accurate records of injury reports, safety records, and other related records. Please refer to policy on Safety, Emergency and Reporting Injuries for more information.

## Annual Training

Training for staff and faculty on MTI's emergency response and evacuation procedures is conducted annually by the campus director at one of the Townhall meetings. Information is also posted on the Instructor Resources area on Moodle ([elearning.mticollege.edu](http://elearning.mticollege.edu)).

## Required Safety Postings

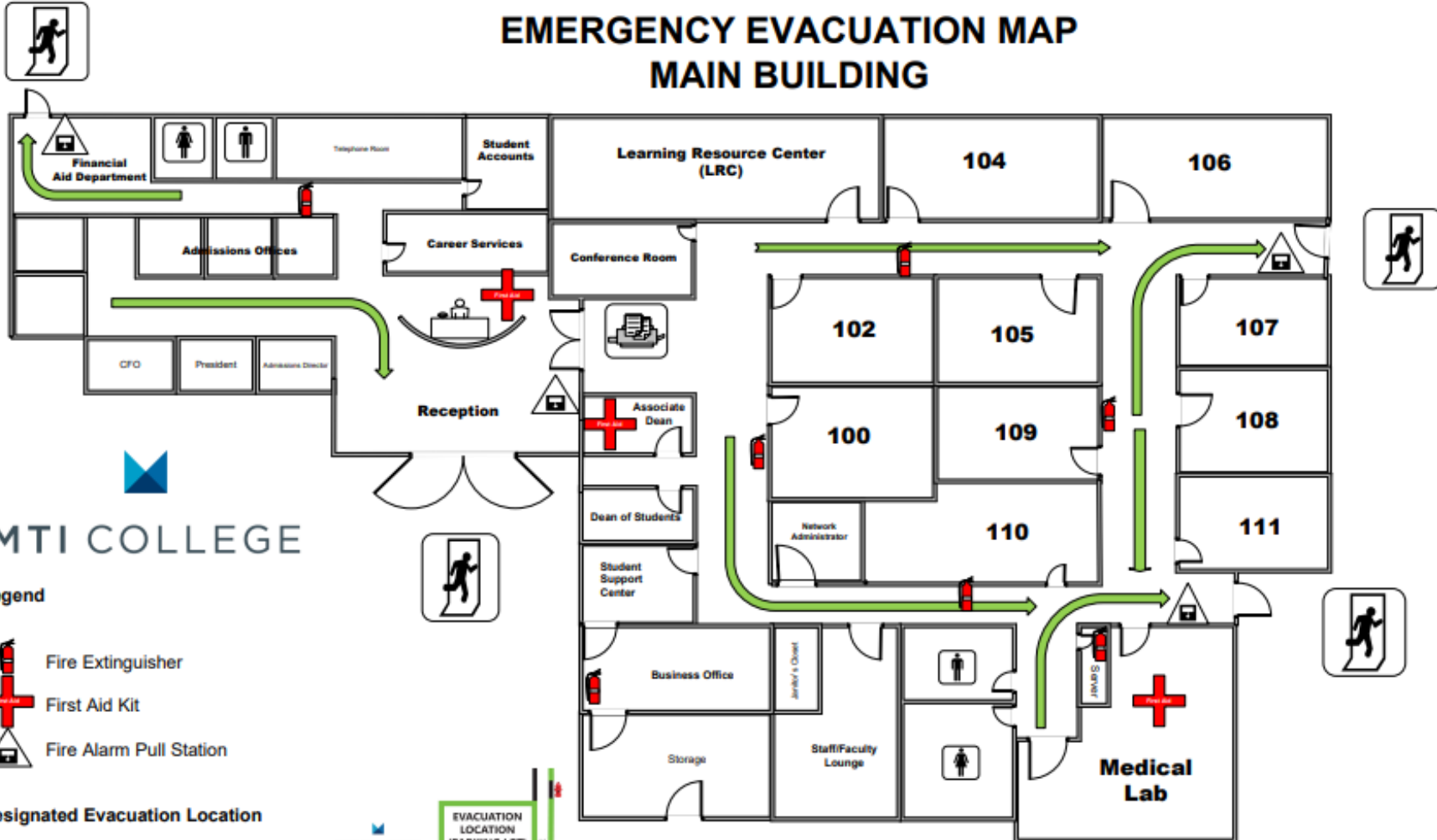
Required safety postings, such as the "Safety and Health Protection on the Job" and "Injuries Caused by Work" are located in the staff lounge.

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## Quick Reference

Child Protective Services Sacramento County	(916) 875-5437
Electric Company – SMUD	(888) 456-7683
Gas Provider – PG&E	(800) 743-5000
Hospital (nearest)	Mercy San Juan Medical Center 6501 Coyle Ave Carmichael, CA 95608 (916) 537-5000 (General Info) (916) 537-5120 (Emergency)
Mental Health Crisis Intervention Sacramento County	(916) 875-1000
Poison Control	(800) 876-4766
Road Conditions (recorded message)	(800) 427-7623
Street or Storm Problems Sac County Public Works Sewer & Water	(916) 875-7246

# EMERGENCY EVACUATION MAP MAIN BUILDING



## Legend

-  Fire Extinguisher
-  First Aid Kit
-  Fire Alarm Pull Station

## Designated Evacuation Location

The designated meeting place is located at the north end of the main parking lot, furthest away from the buildings. The Campus Director or designee will adjust the evacuation location as necessary to best ensure the safety of all.



EMERGENCY PHONE #911

# EMERGENCY PHONE #911

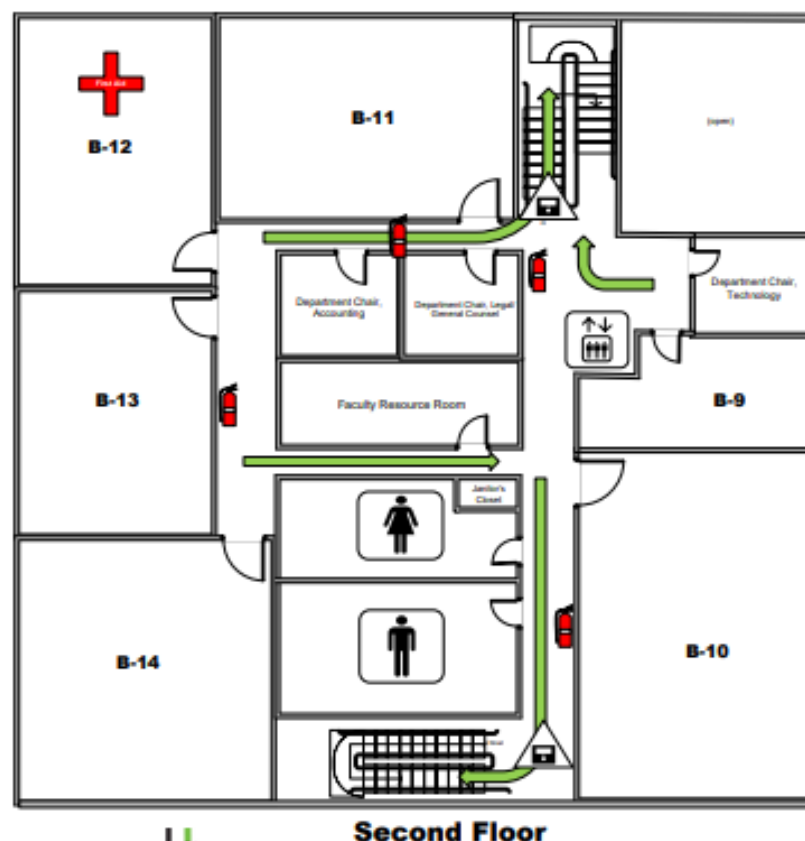
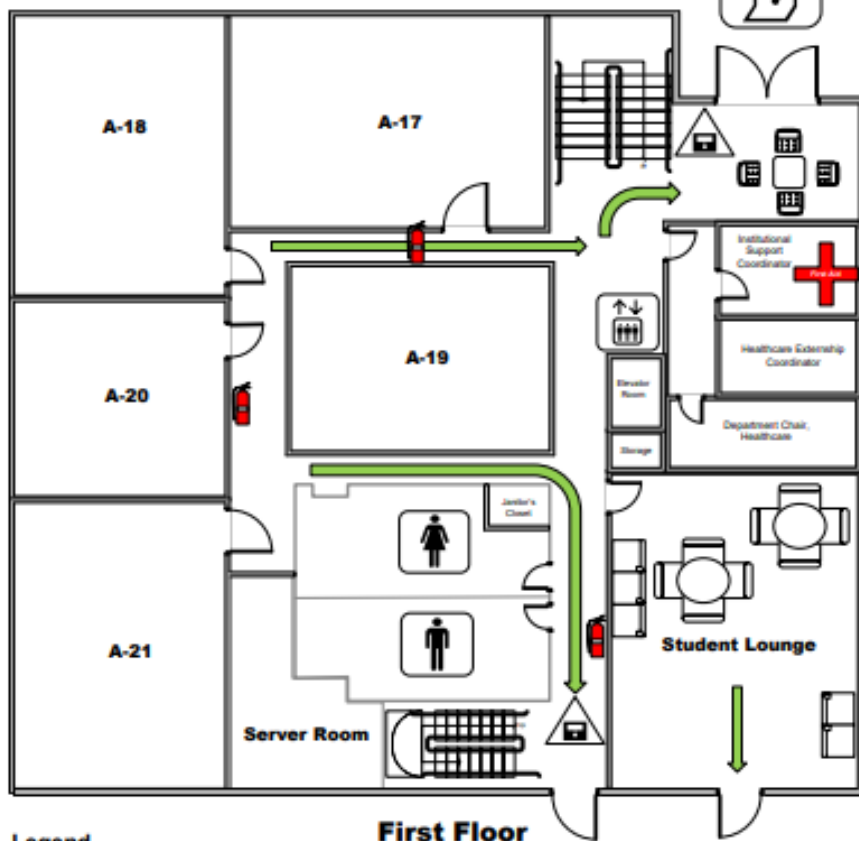


IN CASE OF FIRE, USE STAIRS.  
DO NOT USE ELEVATOR.




# EMERGENCY EVACUATION MAP NORTH ANNEX



MTI COLLEGE



**Legend**

-  Fire Extinguisher
-  First Aid Kit
-  Fire Alarm Pull Station



**Designated Evacuation Location**

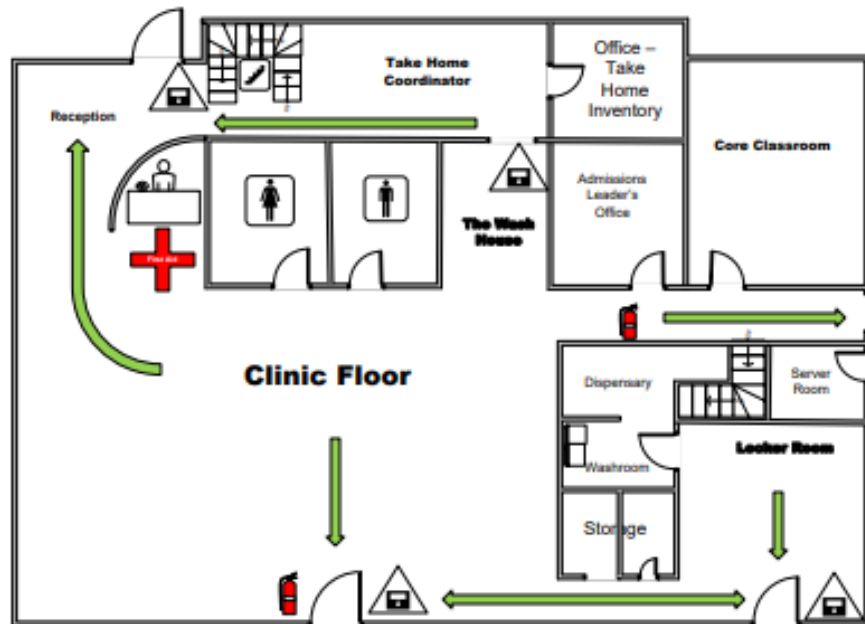
The designated meeting place is located at the north end of the main parking lot, furthest away from the buildings. The Campus Director or designee will adjust the evacuation location as necessary to best ensure the safety of all.

# EMERGENCY EVACUATION MAP PAUL MITCHELL BUILDING

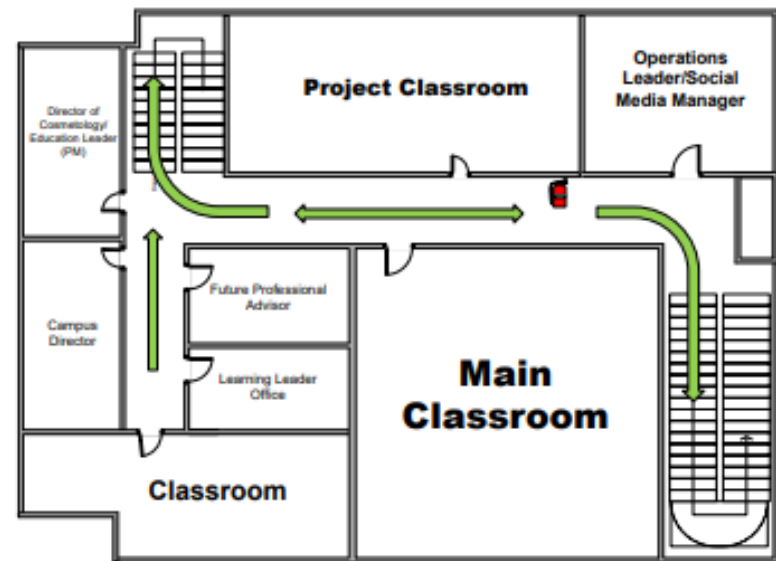


MTI COLLEGE

EMERGENCY PHONE #911



**First Floor**



**Second Floor**

**Legend**

- Fire Extinguisher
- First Aid Kit
- Fire Alarm Pull Station



**Designated Evacuation Location**

The designated meeting place is located at the north end of the main parking lot, furthest away from the buildings. The Campus Director or designee will adjust the evacuation location as necessary to best ensure the safety of all.

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## Campus Safety and Security

Campus safety and security are vital to a threat-free learning and working environment. As members of the MTI campus community, students and employees share the responsibility of being vigilant and reporting any safety or security concerns, or incidents involving criminal or threatening behavior.

### Security and Access

During normal business hours, the College is open to students, employees, contractors, guests, and invitees. During non-business hours, access to College facilities is by key or by a representative of campus administration. In the case of periods of extended closing, the College will admit only those people with prior approval to all College facilities. The College does not have any residence halls so there are no access and security issues related to these. Emergencies may necessitate changes to any posted schedules. Areas identified as safety concerns, if any, are examined to determine if there are measures which could be taken to make improvements. Security issues such as lighting, landscaping, locks, alarms, and communications are reviewed with safety concerns in mind.

### Campus Law Enforcement Authority

MTI College does not have a campus security department. Local law enforcement does patrol the areas near campus but there is no written agreement or contract providing for this service. In the afternoons and evenings, the property owner contracts with SmartGuard Company to station an unarmed individual with limited campus security responsibility in the parking lot to monitor access to the lot. This helps deter auto accessory thefts and vandalism, which are the primary crime activities on campus. This individual also walks the campus and can escort students or faculty to their cars upon request. This individual does not have arrest authority and does not issue parking citations. All crime victims and witnesses are strongly encouraged to immediately report any crime to campus safety authorities because prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics. MTI College does not have a memorandum of understanding with any law enforcement agency.

### Off-Campus Criminal Activity

MTI College does not operate any off-campus student organization facilities. Also, since the College does not have a campus security department, no college personnel would generally be involved in investigating an off-campus offense committed by one of our students. Such an investigation would be left to the local sheriff's department.

### Voluntary Confidential Reporting

MTI College does not have campus pastoral or professional counselors on staff and therefore does not have procedures to encourage such counselors to inform those they counsel how to report a crime confidentially or voluntarily. Victims and/or witnesses of an on-campus crime are encouraged to report the incident to the College, even if the victim does not wish to report it to local law enforcement. Unless required by law or Title IX regulations to report an incident, the College will maintain the confidentiality of the parties involved in the incident within the limits of its overall obligation to maintain a safe, nondiscriminatory environment for all students and employees. Reporting on-campus incidents and crimes helps the College protect the future safety of yourself and others. With such information, the College can keep accurate records of the number of incidents involving students; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the College. Please note: The identities of the parties involved in the incidents listed on the annual crime statistics disclosure are withheld by the College.

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## Emergency Notification & Timely Warnings

All life-threatening emergencies and serious crimes requiring immediate assistance should be reported by first dialing 911 and then notifying the campus director, president or CFO during the day or the evening dean, or campus security after 5pm. Anyone with information warranting a timely warning (please see Timely Warning below) should report the circumstances immediately to the campus director, president, CFO, or the evening dean by phone or in person at the main building front desk located at 5221 Madison Avenue, Sacramento, Ca.

During the day:	Phone	Cell
• Lawrence Richman, Campus Director	(916) 339-4371	(916) 204-1713
• Michael Zimmerman, President	(916) 339-4360	(916) 837-6803
• Campus Security	(916) 233-4700	
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### Emergency Notification

In accordance with the Clery Act, schools must immediately notify the campus community upon confirmation of an emergency or dangerous situation occurring on campus that poses an immediate threat to the health or safety of students or employees. Upon confirmation of an emergency, the College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The emergency coordinators are responsible for confirming that an emergency exists and will work together to determine the most appropriate response. The pre-written emergency notification scripts are to be used unless it is determined that the situation warrants otherwise. Taking into account the safety of the community, an immediate announcement will be made over the school's telephone intercom system and/or computer alert system by the campus director or designee. The content of the announcement and the segment of the population that will receive the announcement will be determined by the emergency coordinators and will depend upon the situation and amount of information available. At minimum and where possible, the notification will include the location and nature of the incident and any special instructions as appropriate. The president or campus director will continue to monitor the situation and will notify additional segments of the population as necessary. Other methods of emergency notification may include, but are not limited to, the fire alarm, person-to-person communication, classroom announcements, text messages, and email. If deemed necessary and depending on the situation, those outside of the campus community will be notified of the emergency through local law enforcement and/or public health agency. The emergency coordinators will inform the campus community when the critical situation is over. The all-clear message may be communicated in person or through email, text messages, and updates posted to the elearning website. Updates and follow-up information will be posted on the elearning website by the director of education. Finally, the president or campus director will document the incident and retain the report on file.

### Timely Warning

The Clery Act requires schools to alert the campus community of certain crimes in a manner that is timely, promotes safety, and aids in the prevention of similar crimes. MTI College will issue timely warnings to the campus community on a case-by-case basis in response to reported crimes that 1) meet Clery Act classifications; 2) were committed or are actively occurring on campus property or surrounding public property, and 3) constitute a direct or ongoing threat to students or employees as determined by the campus director, president, CFO and/or designee. Timely warnings may also be issued for other, non-Clery crimes or threats as deemed appropriate by the campus director, president, CFO and/or designee. Anyone with information warranting a timely warning should report the circumstances immediately to the campus director, president, CFO, or the evening dean by phone or in person at the main building front desk located at 5221 Madison Avenue, Sacramento, Ca.



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The content of the timely warning will be determined by the campus director, president, CFO and/or designee depending on the situation and the information available. The warning will be issued through the College e-mail system to students, faculty, and staff; announced over the telephone intercom system and/or computer alert system; and/or posted on the campus white boards, as appropriate. Other methods of communicating a timely warning may include, but are not limited to, person-to-person communication, classroom announcements, posts on the MTI elearning website, and text messages. Depending on the circumstances of the crime or when a situation does not pose an immediate on-going threat, notification may be sent after-the-fact to inform members of the campus community with the intent to increase awareness of campus safety.

### **Clinical and Externship Sites**

Students assigned to clinical or externship sites are provided with the externship site's safety management plan and phone numbers to call in case of emergency.

### **Security Awareness and Crime Prevention Programs**

In an effort to provide a threat-free learning and working environment, MTI's campus facilities are designed with student, faculty, and staff safety in mind. The campus grounds are illuminated, and a contract security guard patrols the facilities during evening class hours. At the beginning of each term during new student orientation, basic campus safety and security issues are discussed. Students are referred to online policies located on the elearning website and other handouts which provide information, including but not limited to reporting on-campus crimes or emergencies, weapons on campus, safety and security tips, individuals acting suspiciously, and graduate and visitor expectations. Students participate in a discussion regarding the Clery Act and Title IX prohibitions against sexual harassment, violence and discrimination. Along with the presentation, students are given access to the MTI Health and Safety Manual located on the elearning site as well as the College's complete Title IX Policy. The handout explains MTI's policy and commitment to maintaining a campus environment free from sexual harassment, sexual violence and discrimination. Similar information is discussed with new employees during the new hire orientation. Each year, existing employees are required to attend a virtual training on Anti-Harassment and Discrimination as provided by the Department of Fair Employment and Housing, review the College's Title IX training presentation, review MTI's Student and Employee Anti-Harassment and Discrimination policy, and review the *MTI Health and Safety Manual* in conjunction with their annual performance review. In addition, students and employees are provided with the Annual Campus Security report on a yearly basis.

Students, faculty, and staff are encouraged to be aware of their surroundings and to hold themselves accountable for their own safety as well as the safety of others. The following safety and security-related policies are available to students and employees online and individually in hardcopy upon request:

- Reporting On-Campus Crimes or Emergencies
- Weapons on Campus and Personal Safety
- Campus Expectations for Graduates and Visitors
- Safety and Security Tips

### **Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses**

MTI College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the College against the individual who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, MTI College will provide the results of the disciplinary proceeding to the victim's next of kin, if so requested.

### **Sex Offender Registration**

In accordance with the Campus Sex Crimes Prevention Act of 2000, MTI College provides a link to the State of California Department of Justice Sex Offender Registry. Information regarding registered sex offenders may be accessed at: <http://meganslaw.ca.gov>.

This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the state about registered sex offenders may be

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obtained. It also requires sex offenders who must register in any state to provide notice to each institution of higher education where the person lives, works, or attends school.

The Family Educational Rights and Privacy Act (FERPA) was amended to make it clear that institutions may disclose information received through state registration and community notification programs, even if the sex offender is a student.

### **Reporting Annual Disclosure of Crime Statistics**

MTI College is a community of nearly 750 students, faculty and staff. The College is committed to providing a safe and secure learning and working environment for all those studying and working here. To accomplish this, the cooperation and involvement of students and employees in campus safety programs are absolutely necessary. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Higher Education Opportunity Act, MTI College is required to disclose crime statistics for the previous three calendar years as part of a campus security report to be published annually by each institution. These statistics are gathered from campus safety, local law enforcement, and other school officials (e.g. campus director, president, CFO, evening dean, director of admissions, etc.) who have significant responsibility for campus safety. All the campus crime statistics must be reported by location.

Each year, MTI College's Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Report is compiled by the chief financial officer and academic officer and distributed to every student and employee. The report is also available to prospective students and employees at their request. Employees and students receive an individual notice of the report's availability, including a brief description of the information contained in the report, the direct link to the report, and a statement that the College will provide a paper copy upon request. This same notice is included in the materials given to prospective students and to employees in new-hire orientation. The report may also be found on the Institution's public website, located at: <http://www.mticollege.edu> In addition, copies of the report may be obtained by contacting the director of financial aid at MTI College, 5221 Madison Avenue, Sacramento, CA 95841, or by calling (916) 339-1500.

### **Geography**

Since MTI College has no on-campus residence halls or non-campus buildings, the locations used are on campus or on public property (streets adjacent to campus and sidewalks bordering both sides of such adjacent streets). The geographic reporting area used for reporting crimes, arrests, and disciplinary referrals is Madison Avenue to the south, the MTI property line to the west and the north, and Hemlock Street to the east. These statistics, which are reported annually to the U.S. Department of Education, cover a three-year period.

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## Safety and Security Tips

- Personal
  - Stay alert and tuned in to your surroundings.
  - Communicate that you are calm, confident and know where you are going.
  - Stay away from isolated areas.
  - Stay on the part of sidewalks furthest away from shrubs, dark doorways and alleys.
  - Walk with a companion whenever possible.
  - Check the back seat before getting into a car. Keep doors locked while driving.
  - Don't overload yourself with packages or wear shoes or clothing that restricts movement.
  - Avoid displaying large amounts of cash or jewelry.
  - Carry a purse close to your body. Carry a wallet in an inside coat or front trouser pocket.
  - If you think someone is following you, abruptly switch directions and walk toward an open store, restaurant or lighted home.
  - Don't hitchhike or pick up hitchhikers.
  - Park in well-lighted areas.
  - Avoid isolated bus stops at times when few other people are around.
  - Do not reveal your name, phone number or address to strangers.
  - Never admit that you are alone or that you will be away from home.
  - Keep an eye on neighbors' homes or apartments while they are away and have them do the same for you.
  - Keep your local police department's phone number next to your phone.
- Residence
  - Keep doors locked at all times
  - Draw shades and curtains whether or not you are at home
  - Keep money and jewelry locked in a safe place
  - Leave a light on while you are away or use a timer
  - Secure sliding glass doors with commercially available locks or a rigid wooden dowel in the track
  - Don't hide spare keys in mailboxes, planters or under doormats
  - Make a record of your valuables and keep it in a safe spot
  - Don't leave a note that says you are not in
  - Never prop doors open
  - Keep ladders and tools in a locked area
  - Have someone cut your lawn while you're on vacation
- Vehicle
  - Always lock your car and remove the keys. Make sure the windows are closed
  - Lock all valuables, bags and cases in the trunk when you leave your car
  - Never leave an ID tag on your key ring
  - Leave only the ignition key with parking attendants
  - Park in well-lit areas
- Office
  - Keep your purse, wallet and other valuable items with you at all times or locked in a drawer or closet
  - Never leave keys lying out
  - Never leave change or cash on the desk or in a top drawer
  - Notify security personnel of any suspicious persons or vehicles
  - Lock doors when working after normal hours
  - Report any broken or flickering lights, and doors that don't lock properly

[Source: [www.chamberlain.edu](http://www.chamberlain.edu)]

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## **Drug & Alcohol Policy for a Drug-Free Campus and Workplace**

MTI College is committed to providing a safe and healthy environment for all members of our campus community. In accordance with this commitment, MTI expressly prohibits the unlawful possession, use, or distribution of any illicit drug (including marijuana), alcohol, or other controlled substance by students or employees on college property or at college-sponsored activities or events including MTI graduation ceremonies. Further, this policy expressly prohibits students and employees from being under the influence of any of the above listed items while engaged in work, study or college-sponsored activities on or off campus. This does not include the use of legally prescribed medication that does not adversely affect work or study ability, job or classroom performance, or the safety of the individual or others. Please note: While the possession and use of marijuana is legal in the state of California, it is still not legal under federal law and is therefore covered under this policy.

All students and employees are required to notify MTI of a student's or employee's use of drugs or alcohol on campus or in the workplace in violation of the policy outlined above. Any student or employee found to be in violation of the MTI Drug and Alcohol policy may be subject to a reasonable suspicion drug and/or alcohol test and will be subject to disciplinary action up to and including termination of employment or enrollment. Specific disciplinary action will be based upon the severity of the policy breach as well as the student or employee's past disciplinary record.

As an institution of higher learning which participates in federally funded and/or guaranteed student loan programs, MTI is subject to and committed to complying with the provisions of the Drug Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. In accordance with the requirements contained in those Acts and MTI's commitment to maintaining a Drug-Free Campus and Workplace, all students and employees must abide by the above standards of conduct as a condition of enrollment and employment. In addition, all students and employees are required, as a condition of their school admission or employment, to notify the Personnel Officer of any criminal drug statute conviction for a violation occurring during a period of enrollment or in the workplace, such notice to be no later than five days after such conviction.

### **Reasonable Suspicion Drug and/or Alcohol Testing**

Where there is a reasonable suspicion that a student or employee is impaired while on campus due to illegal drug and/or alcohol use, the student or employee may be required to submit to a drug and/or alcohol test. A reasonable suspicion means that there are reasonable grounds to suspect that a test will provide evidence that the student/employee has violated school policy. Reasonable suspicion may be based on, among other things, physical symptoms and abnormal behavior including but not limited to the following:

- Odor of alcohol or marijuana on the body or breath with observed behavior issues
- Slurred speech
- Unsteady standing or walking
- Impaired manual dexterity
- Inability/difficulty completing routine tasks
- Disorientation or confusion
- Erratic or unusual behavior
- Drowsiness/sleepiness
- Unusually aggressive behavior
- Rapid changes in mood
- Dilated pupils

Please Note: The symptoms listed above can be attributed to causes other than drugs or alcohol. Primary concern should be on the individual and the specific changes in his/her behavior or performance, rather than suspicions of drug or alcohol use.

### **Legal and Other Sanctions Relating to Drug and Alcohol Violations**

MTI has attached a list describing the applicable legal sanctions under local, State, or Federal law for the unlawful use, possession or distribution of illicit drugs or alcohol. Any staff, faculty, or student violating any of the described laws could be subject to fines and imprisonment. Further, any staff, faculty, or

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student who violates MTI's stated Drug-Free Campus and Workplace policies shall be subject to corrective action, such as completion of a substance abuse program or counseling at the employee's or student's expense, or disciplinary action up to and including the possibility of termination of employment or dismissal from the institution, as well as referral for criminal prosecution. Finally, all students should be aware that a conviction for any offense, during a period of enrollment for which the student was receiving federal financial aid program funds, under any federal or state law involving the possession or sale of illegal drugs, will result in the loss of eligibility for any federal student grant, loan, or work-study assistance (HEA Sec. 484(r)(1)); (20 U.S.C. 1091(r)(1)).

## Health Risks

The abuse of drugs or alcohol can cause serious health problems for an individual, and their use and abuse are not compatible with the campus or workplace environment at MTI College. In addition to being extremely harmful to a person's health, use of drugs and alcohol interfere with productivity, alertness and the ability to make good decisions. This makes learning or working under the influence of either drugs or alcohol a danger to both the student or employee and those who are around him. MTI has attached a list enumerating many of the specific health risks associated with the use/abuse of the more common controlled substances and alcohol. Awareness of the health risks involved in the use of drugs and alcohol will hopefully make each student and employee make better decisions regarding their use.

## Drug or Alcohol Counseling, Treatment, or Rehabilitation Programs

MTI College has attached a list of local drug or alcohol counseling, treatment, and/or rehabilitation programs that are available to students and employees at the student's or employee's expense. Some offer residential treatment options while others have outpatient services. Some also offer sliding fee schedules based on ability to pay. Students or employees with substance abuse and dependency problems are encouraged to seek assistance voluntarily from providers on this list or from any number of others offering help in this area.

## Procedure

### General

- In accordance with the requirements of the Drug-Free Schools and Communities Act Amendments of 1989, MTI College provides its Drug-Free Campus and Workplace Policy to each student and employee in several ways:
  - The full version of this policy is in the Student Handbook and the MTI Health and Safety Manual which are located on the elearning site.
  - The personnel manual contains a brief summary of the policy and a reference to the full policy which is located in the Student Handbook and MTI Health and Safety Manual.
  - New employees receive a full version of the policy upon hire and are required to sign an acknowledgement of receipt as part of their new employee orientation.
  - The full policy is distributed annually via campus email to students.
  - Faculty and staff review a copy of the MTI Health and Safety Manual each year during their evaluation and sign an acknowledgement of receipt and review statement.
  - The Drug and Alcohol policy is located on the MTICollege.edu website.
- MTI's Drug and Alcohol policy will be reviewed biennially to determine the policy's effectiveness and to implement changes if any are needed, to determine the number of drug and alcohol related violations that occurred on campus or at College activities and were reported to MTI, to determine the number and type of sanctions imposed, and to ensure the sanctions were consistently enforced. Drug-related instances will be tracked by the campus director and reviewed once a year.
- Employees are allowed to drink alcohol upon completion of an MTI event such as graduation; however, the spirit of MTI's commitment to a safe and healthy environment still applies and employees are expected to practice restraint and good judgment.
- If an employee suspects that a student or fellow employee is under the influence of drugs and/or alcohol in violation of this policy, the employee is to immediately notify his/her supervisor. If the

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individual suspected of being under the influence is an instructor or a student, the director of education must also be alerted. If the supervisor, department chair or director of education is unavailable, the employee may contact the dean, campus director, president or CFO.

- When informed that a student or employee is suspected of being under the influence of drugs and/or alcohol in violation of this policy, the supervisor or administrator receiving the report is to speak to the individual immediately to assess the situation and determine if a reasonable suspicion exists. The College requires that at least one supervisor or administrator concurs that there is a reasonable suspicion.
- In all cases, regardless of whether or not the student or employee is sent for testing, the supervisor or administrator is to document the situation, including the facts that led him/her to believe the individual was impaired; test results, if applicable; and the consequences, if any. In order to maintain the student or employee's confidentiality, related documentation is to be kept in a separate file.

**On a case-by-case basis, if it is determined that a reasonable suspicion exists, one or more of the following may occur:**

- The student or employee may receive a written warning and/or be placed on probation.
- The student or employee may be sent home for the rest of the day.
  - An individual suspected of being under the influence is not to be allowed to drive him/herself home.
  - Alternate transportation arrangements must be made. An MTI employee is not allowed to drive the individual while the employee is on duty.
- The student or employee may be sent for drug and/or alcohol testing.
  - The campus director, president or CFO must be informed prior to sending a student or employee for testing. The exception is those students enrolled in the Healthcare programs which are subject to testing as outlined in the Medical Program Drug Testing Policy.
  - The College shall arrange for the student or employee to be safely transported immediately to and from a designated testing laboratory for the drug and/or alcohol test. An MTI employee is not allowed to drive the individual while the employee is on duty.
  - The student or employee will be asked to consent to the drug and/or alcohol test and release the resulting information to MTI College.
  - A student or employee who refuses to consent will be advised that no test will be conducted; however, refusal to consent shall have the same force and effect as a positive test result and may result in disciplinary action up to and including termination of employment or enrollment.
  - If the student or employee receives notice that his/her test results are confirmed positive, the student or employee will be given the opportunity to explain the positive result.
  - An employee who is sent for drug and/or alcohol testing may be placed on PTO (or unpaid leave if no PTO exists) pending the outcome of the test.

### List of Legal Sanctions

The following is not a comprehensive list of all criminal statutes and penalties related to drug and alcohol violations. This is only an overview summary focusing on unlawful possession and distribution and does not encompass enhanced penalties for subsequent offenses.

- California Business & Professions Code, Section 23301: it is illegal to sell alcohol without a valid license or permit. The violator is guilty of a misdemeanor or a felony.
- California Business & Professions Code, Section 25658: it is illegal to sell, furnish or give any alcoholic beverage to anyone under 21 or to anyone who is obviously intoxicated. The violator is guilty of a misdemeanor, assessed a \$1,000 fine and must perform 24 hours of community service. In addition, anyone under 21 who purchases or consumes any alcoholic beverage in any on-sale premises is also guilty of a misdemeanor, is assessed a \$250 fine or must perform 24-32 hours of community service.

- California Business & Professions Code, Section 25662: any person under 21 who has any alcoholic beverage in their possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor. The penalty is a fine of \$250 or 24-32 hours of community service.
- California Business & Professions Code, Section 25665: it is illegal for anyone under age 21 to enter or stay in a place licensed to sell liquor without a lawful reason to be there. The violation is a misdemeanor and the penalty is a fine of \$200.
- California Vehicle Code, Section 23152: it is unlawful to operate a vehicle while under the influence of alcohol (.08 blood alcohol level) or drugs or under their combined influence. The penalty is imprisonment in the county jail for a minimum of 96 hours (maximum 6 months), and a fine of \$390 to \$1000, suspension of driving privileges, and surrender of driver's license to the court. The driver must also complete a three month driving under the influence program and the court may order a locking ignition system.
- California Vehicle Code, Section 23221 – 23223: no driver or passenger shall drink any alcoholic beverage or smoke or ingest marijuana or any marijuana product while in a motor vehicle upon a highway or possess an open container of alcohol or open receptacle containing cannabis or cannabis products, or possess loose cannabis flower not in a container while in a motor vehicle upon a highway or on any lands.
- California Penal Code, Section 647(f): an individual found in any public place under the influence of alcohol, any drug, or controlled substance who is unable to care for their safety or the safety of others or interferes with or obstructs a sidewalk, street, or other public way is guilty of disorderly conduct, a misdemeanor.
- California Health & Safety Code, Sections 11350 et seq., 21 USC Section 841, 844: the unlawful possession, sale, furnishing, or dispensing of any controlled substance or drug paraphernalia, or growing of a controlled substance as defined by the California and federal laws is unlawful. For simple possession of a small amount of a controlled substance, the federal penalty is a maximum one year imprisonment and a minimum fine of \$1,000. Possession of larger quantities for distribution carries much more severe penalties, with imprisonment for ten years or more and very large fines. Conviction may also bar receipt of benefits from Federal programs including student grants and loans. The State penalties include varying terms in county jail and /or state prison, as well as significant fines. Both the federal and state penalties are enhanced (doubled in many cases) when the offense occurs on or within close proximity to a school.

## List of Health Risks

### Tobacco and Nicotine

Smokers are more likely than nonsmokers to contract heart disease. Lung, larynx, esophageal, bladder, pancreatic, and kidney cancers also strike smokers at increased rates. Thirty percent of cancer deaths are linked to smoking. Chronic obstructive lung diseases, such as emphysema and chronic bronchitis, are 10 times more likely to occur among smokers than among nonsmokers. Smoking during pregnancy also poses risks, such as spontaneous abortion, pre-term birth, and low birth weights. Fetal and infant deaths are more likely to occur when the pregnant woman is a smoker. Nicotine is both psychologically and physically addictive.

### Alcohol

Low doses significantly impair the judgment and coordination needed to operate vehicles. Small amounts can also lower inhibitions. Moderate to high doses cause marked impairments in higher mental functions, and loss of memory and the ability to learn and remember information. High doses cause respiratory depression and death. Long-term consumption, particularly when combined with poor nutrition, can also lead to dependence and permanent damage to vital organs such as the brain and the liver. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation.

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## **Cannabis**

(Marijuana, Hashish, Hashish Oil, Tetrahydrocannabinol)

Physical effects of cannabis include increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time, reduce ability to perform tasks requiring concentration and coordination, and impair driving ability. Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana, hashish, THC, etc., can also produce paranoia and psychosis. Long term use may result in possible lung damage, reduced sperm count and sperm motility, and may affect ovulation cycles. Cannabis can also be psychologically addictive.

## **Inhalants**

(Nitrous Oxide, Amyl Nitrite, Butyl Nitrite, Chlorohydrocarbons, Hydrocarbons)

Immediate effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing oxygen in lungs. Long-term use can cause weight loss, fatigue, electrolyte imbalance, muscle fatigue, and permanent damage to the nervous system.

## **Cocaine (Crack)**

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause nasal irritation; chronic use can ulcerate the mucous membrane of the nose. Crack or freebase rock is extremely addictive. Physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. The use of cocaine can cause death by cardiac arrest or respiratory failure.

## **Stimulants**

(Amphetamines, Methamphetamines, Crank, Ice)

Stimulants cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. Users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination, and physical collapse. Amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to physical effects, feelings of restlessness, anxiety, and moodiness can result. Use of large amounts over a long period of time can cause amphetamine psychosis that includes hallucinations, delusions, and paranoia. The use of amphetamines can cause physical and psychological dependence.

## **Depressants**

(Barbiturates, Methaqualone, Tranquilizers)

Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Large doses can cause respiratory depression, coma, and death. Combination of depressants and alcohol can multiply effects of the drugs, thereby multiplying risks. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after birth. Birth defects and behavioral problems may also result. The use of depressants can cause both physical and psychological dependence.

## **Hallucinogens**

(PCP, LSD, Mescaline, Peyote, Psilocybin)

Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls intellect and instinct. PCP blocks pain receptors, and users can have violent PCP episodes resulting in self-inflicted injuries. Lysergic acid diethylamide (LSD), mescaline, and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors.



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## **Narcotics**

(Heroin, Methadone, Codeine, Morphine, Meperidine, Opium)

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users may experience constricted pupils, watery eyes and itching. Overdoses may produce respiratory depression, clammy skin, convulsions, coma and death. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms. Use of narcotics can cause physical and psychological dependence.

## **Designer Drugs**

(Analogues of Fentanyl, Analogues of Meperidine, MDMA, Ecstasy Analogues of PCP)

Many "designer drugs" are related to amphetamines and depressants and have mild stimulant and depressant properties. Use can produce severe neurochemical damage to the brain. Narcotic analogues can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogues of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. Analogues of PCP cause illusions, hallucinations, and impaired perception.

## **Anabolic Steroids**

Steroid users subject themselves to more than 70 side effects, ranging in severity from acne to liver cancer, including psychological as well as physical reactions. The liver and cardio-vascular and reproductive systems are most seriously affected by use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Psychological effects in both sexes include very aggressive behavior, known as "roid rage", and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years.

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## **References**

U.S. Dept. of Education (1989). What Works: Schools Without Drugs. (Rockville, MD: National Clearinghouse for Alcohol and Drug Information, 1989), pp 61-72.

National Institute on Drug Abuse, NIDA Capsules, (Rockville, MD: Press Office of the National Institute on Drug Abuse, 1986).

## **Drug or Alcohol Counseling, Treatment or Rehabilitation Programs**

New Dawn Treatment Centers - Sacramento Addiction Recovery  
Multiple Locations  
(916) 260-2624; [www.newdawntreatmentcenters.com](http://www.newdawntreatmentcenters.com)

Azure Acres Recovery Center - Sacramento Outpatient Treatment  
2641 Cottage Way #8, Sacramento, CA 95825  
(916) 974-9067

Fair Oaks Recovery Center  
2221 Fair Oaks Blvd, Sacramento, CA 95825  
(888) 989-9690; [www.fairoaksrecoverycenter.com](http://www.fairoaksrecoverycenter.com)

Sacramento Recovery House  
4049 Miller Way, Sacramento, CA 95817  
(916) 451-9312

Bridges Professional Treatment Services  
3600 Power Inn Rd C, Sacramento, CA 95826  
(916) 450-0700

MedMark Treatment Centers Sacramento  
7240 E Southgate Dr Ste G, Sacramento, CA 95823  
(916) 391-4293

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River City Recovery Center  
500 22nd St, Sacramento, CA 95816  
(916) 442-3979

Diamond House Detox  
6808 Fleming Ave, Sacramento, CA 95828  
(888) 205-9346

SBAC Sobriety Brings Change  
4600 47th Ave #102, Sacramento, CA 95824  
(916) 454-4242

Sacramento Treatment Clinic  
7225 E Southgate Dr, Sacramento, CA 95823  
(916) 394-1000

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## **Sexual Harassment, Violence and Discrimination Prevention**

In compliance with the Clery Act and Title IX

### **Introduction**

As an institution of higher learning that participates in federal financial aid programs, MTI is subject to and committed to complying with the provisions of the Jeanne Clery Act (Clery Act), Title IX of the Education Amendments of 1972 (Title IX), and other federal and state regulations to ensure campus safety.

The Jeanne Clery Act (Clery Act) promotes campus safety by ensuring that students, employees, parents, and the broader community are well-informed about important public safety and crime prevention matters. Recently, the Clery Act was amended by the Violence Against Women Reauthorization Act, which broadened Clery requirements to address all incidents of sexual violence (sexual assault, domestic violence, dating violence and stalking). Title IX of the Education Amendments of 1972 (Title IX) is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. In accordance with the requirements contained in these Acts and MTI's commitment to maintaining a campus and workplace free from sexual discrimination, harassment and violence, all students and employees must abide by MTI's standards of conduct as a condition of enrollment and employment.

We hope you will find the following information informative and helpful. This information can also be found online at <https://mticollege.edu/about/disclosures/> or on the MTI e-learning website at <http://elearning.mticollege.edu>. Hard copies are also available on campus upon request.

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## Student and Employee Anti-Harassment and Discrimination

### Student and Employee Anti-Harassment and Discrimination

(Revised 03/2022)

MTI College (“MTI”) is committed to providing a work and school environment free of unlawful harassment or discrimination. In furtherance of this commitment, all students and employees are required to take the mandatory sexual harassment and prevention training upon starting in school or employment at MTI, respectively. MTI’s 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, MTI prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and MTI has jurisdiction over the investigation of Title IX complaints.

Title IX applies to all of MTI’s educational programs or activities, whether such programs or activities occur on-campus or at an off-campus events. MTI’s anti-harassment policy applies to all persons involved in the operation of MTI and prohibits unlawful harassment by any employee of MTI, as well as students, customers or service guests, third parties, vendors, or anyone who does business with MTI. 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 or service guest, vendor, or other person with whom MTI does business engages in unlawful harassment or discrimination, MTI will take appropriate corrective action. The grievance procedure will provide that complaints may be filed about discrimination in any academic, educational, extracurricular, athletic, or other programs operated or sponsored by, or related to, MTI, whether the programs take place on the campus of MTI, during a school-sponsored field trip, or during other off-campus events.

As part of MTI’s commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to MTI community through publications such as MTI’s catalog, website, new employee orientations, student orientations, and other appropriate channels of communication. MTI will provide training to key staff members to enable them to handle any allegations of discrimination and harassment, including sexual harassment or sexual violence, promptly and effectively. MTI 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 Regarding Sex Discrimination**

*Dating violence* is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and 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* 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.

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Sex discrimination is defined as treating individuals differently on the basis of sex with regard to any aspect of services, benefits, or opportunities MTI provides, such as:

- Treating a person differently in determining whether he or she satisfies any requirement or condition for the provision of an aid, benefit, or service.
- Providing different aid, benefits, or services, or providing aid, benefits, or services in a different manner.
- Denying any person an aid, benefit, or service.
- Subjecting any person to separate or different rules of behavior, sanctions, or other treatment in providing an aid, benefit, or service.
- Aiding or perpetuating discrimination against any person by providing significant assistance to any agency, organization, or person, which discriminates on the basis of sex in providing any aid, benefit, or service to students or employees.
- Otherwise limiting any person in the enjoyment of any right, privilege, advantage, or opportunity.

Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

1. An employee of MTI conditioning the provision of an aid, benefit, or service of MTI on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "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). The federal definitions identified in this paragraph are included as a part of MTI's policy.

Examples of conduct which may be sexual harassment include, but are not limited to:

- direct propositions of a sexual nature;
- sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching;
- direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc;
- conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomforting, humiliating or both, and that includes one or more of the following:
- comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screen savers, which are sexually explicit);
- unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature;
- remarks of a sexual nature about a person's clothing or body;
- insulting sounds or gestures, whistles, or catcalls;
- invading someone's personal space or blocking her/his path;
- unwelcome and inappropriate letters, telephone calls, electronic mail, instant or text messaging, or other communications;
- displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screen savers);

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- a consensual romantic or sexual relationship which:
    - causes adverse treatment of third parties; or
    - creates a hostile or intimidating working or learning environment for third parties;
    - stalking (which is also criminal behavior);
    - sexual assault (which is also criminal behavior).

Sexual violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

### **General Definitions**

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator/Title IX Deputy Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient.

Campus is defined as any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

Complainant is defined as an individual *who is alleged to be the victim* of conduct that could constitute sexual harassment. Any third-party, as well as the complainant, may report sexual harassment. While parents and guardians do not become complainants (or respondents); however, MTI recognizes the legal rights of parents and guardians to act on behalf of parties (including by filing formal complaints) in Title IX matters.

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.

Corrective measures are defined as actions taken to address a security breach or privacy violation, with the intent to counteract the breach or violation and reduce future risks. MTI's owner and Director are MTI's designated officials who have the authority to institute corrective measures.

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

Non-campus building or property is defined as any building or property owned or controlled by a student organization recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public property is defined as all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

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

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Responsible Employees is any employee who (1) has the authority to take action to redress sexual violence; (2) has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator//Title IX Deputy Coordinator/appropriate school officials; or (3) a student, staff or faculty member that could be reasonably believed to have authority or duty to report

Sexual assault is defined as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

Supportive measures are defined as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Rape Shield Protections limit or prohibit the use of evidence of a victim's past sexual history to undermine that victim's credibility. The purpose of rape shield laws is to protect victims from the emotional distress of being cross-examined about their sexual history on the witness stand. Evidence regarding the victim's reputation and evidence of past sexual behavior not related to the rape accusation at hand is prohibited.

### **Prohibited Conduct**

Title IX protects students' rights to educational opportunities free from sex discrimination. This policy strictly prohibits sexual or other unlawful harassment or discrimination, as well as sexual violence, dating violence, domestic violence and stalking, as defined above. Sexual or other unlawful harassment or discrimination that includes any verbal, physical, or visual conduct, racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons 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 basis if:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo);
- 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
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity. It creates a hostile or offensive environment, which means the alleged conduct is sufficiently serious to limit or deny a student or student's ability to participate or benefit from the student's education program.

Sexual harassment is conduct based on sex, whether directed toward 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.

### **Complaint/Grievance Procedure**

The following grievance procedures shall be used to address sex discrimination complaints filed by students/ employees or complaints filed on their behalf against employees, other students, or third parties.

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Any person may report sex discrimination, 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 e-mail, using the contact information listed for the Title IX Coordinator/Title IX Deputy 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 during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed below for the Title IX Coordinator/Title IX Deputy Coordinator. Only a complainant may file a formal complaint that initiates a Title IX grievance procedure.

If you believe that you have experienced or witnessed harassment or sexual violence, you need to notify the Title IX Coordinator/Title IX Deputy 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, customer or service guest, or other person who does business with MTI is exempt from the prohibitions in this policy. MTI Director or Education Leader, if they are informed of a Title IX complaint will refer all harassment complaints to the Title IX Coordinator/Title IX Deputy Coordinator. In order to facilitate the investigation, your complaint should include details of the incident or incidents, dates and times, names of the individuals involved, and names of any witnesses. A sex discrimination complaint should be filed within seven (7) days from the date of the alleged discriminatory incident in order for MTI to take timely and appropriate action. All documentation pertaining to the complaint/grievance process will be confidential. The complaint/grievance once received will be maintained in the Title IX Coordinator's office, which has limited staff access.

All complaints involving a student, employee, contract worker, vendor, customer or service guest, or other person who does business with MTI will be referred to the campus's Title IX Coordinator/Title IX Deputy Coordinator to begin the complaint process outline in this policy. The Title IX Coordinator/Title IX Deputy Coordinator is listed below and has the responsibility of Intake reports and complaints, initiating the formal complaint process, and providing supportive measures to both the complainant and respondent.

If MTI has actual knowledge of sexual harassment in an educational program or activity at MTI, against a person in the United States, they will respond promptly in a manner that is not deliberately indifferent. A school is considered deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The grievant/complainant may use the Title IX Grievance Form, but it is not required, to file a Title IX discrimination complaint.

*Title IX Coordinator:*

ERIC G. FERNANDEZ  
(916) 339-4371  
5221 MADISON AVENUE, SACRAMENTO, CA 95841  
[Efernandez@mticollege.edu](mailto:Efernandez@mticollege.edu)

*Title IX Deputy Coordinator:*

LAWRENCE RICHMAN  
(916) 339-4371  
5221 MADISON AVENUE, SACRAMENTO, CA 95841  
[Lrichman@mticollege.edu](mailto:Lrichman@mticollege.edu)

MTI ensures that its Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Informal Resolution Facilitator(s) have adequate training on what constitutes sexual harassment, including sexual violence, dating violence, domestic violence, sex discrimination, and stalking, and that they understand how MTI's grievance procedures operate. Please refer to the end of this policy for a listing of the various roles of individuals involved in the Title IX process, their responsibilities, and training requirements.

### **Roles in the Process**

#### **Title IX Coordinator**

- Oversees Title IX Compliance



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- Ensures prompt and equitable resolutions
  - Establishes a centralized reporting process for all sexual harassment/ misconduct allegations on campus
  - Conducts ongoing and annual climate checks, tracking, and monitoring of sexual harassment/ misconduct allegations on campus
  - Coordinates all training, education, and prevention efforts

#### **Title IX Investigator**

- Supports the Title IX Coordinator with investigations
- Serves as a non-decision making fact finder in the process
- Conducts interviews and collects evidence
- Identifies relevant witnesses
- Compiles findings into a formal investigative report

#### **Advisor**

- Accompanies the reporting and responding parties in the process, but does not serve as an advocate or representative
- May be a person of the parties' choosing, including an attorney; if not chosen, an advisor may be assigned for a live hearing
- Asks questions on behalf of the parties in the cross-examination portion of the live hearing

#### **Decision-Maker**

- Serves as the decision-maker in the process once it reaches a live hearing
- May not have any conflict of interests or biases in favor of or against either party
- May not be the Title IX Coordinator, Investigator, or Advisor for either party

#### **Appeals Panelist**

- Serves as the decision-maker in the student process after (1) the dismissal of a formal complaint or any included allegations and/or (2) determination regarding responsibility
- May not have any conflicts of interests or biases in favor or against either party
- May not be the Title IX Coordinator, Investigator, or decision-makers

#### **Reporters**

We encourage all individuals who have a Title IX complaint to meet with the Title IX Coordinator/Title IX Deputy Coordinator to begin the formal complaint process. If a Responsible Employee, who are not Title IX Coordinators, are informed of a Title IX complaint they must notify the Title IX Coordinator/Title IX Deputy Coordinator of the complaint immediately, as long as they have the Complainant's consent that they can report the incident to the Title IX Coordinator/Title IX Deputy Coordinator. Responsible Employees are the only school employees that a Complainant may discuss Title IX allegations with that are required under MTI's policy to be obligated to inform the Title IX Coordinator/Title IX Deputy Coordinator of information that they received, as long as the Complainant grants that authority. Once any of these reporters are notified of complaint allegations, the notice triggers the start of the complaint process by the Title IX Coordinator.

#### **Anonymous Reporting**

Any individual may make an anonymous report concerning an act of sexual harassment or other forms of misconduct (e.g., dating or domestic violence or stalking). An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, MTI College's ability to respond to an anonymous report may be limited. Anonymous reports may be the Title IX Coordinator/Title IX Deputy Coordinator.

#### **Interim Protections/Corrective Measures**

Once a report has been made, MTI College will take steps to reasonably protect employees and students during an investigation and/or student discipline process. Upon receipt of a report, MTI College will provide interim support and reasonable protective/corrective measures to provide a safe educational and work environment. MTI College will determine the necessity and scope of any interim measures keeping in mind both the Complainant's and Respondent's respective positions. Even when a Complainant or Respondent does not specifically request that protective/corrective action be taken, MTI College may choose to impose interim measures at its discretion to ensure the safety of any individual, the broader

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College community or the integrity of the review process. The range of interim measures may include no contact directives, changes in class or work schedules, interim suspension or other measures as necessary. Students seeking such assistance should speak with the Title IX Coordinator/Title IX Deputy Coordinator, who will coordinate such requests on the behalf of the student. MTI College will maintain contact with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed.

### **Formal Complaint**

A “formal complaint” is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that MTI investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of MTI. A formal complaint may be filed with MTI’s Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information located in MTI’s policy. The phrase “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

The Title IX Coordinator/Title IX Deputy Coordinator will meet with the complainant to explain the process of filing a formal complaint. The complainant must be the alleged victim unless the parent or legal guardian has a legal right to act on their behalf. Anyone may report a Title IX violation; however, only a complainant may file a formal complaint that initiates a Title IX grievance procedure. The Title IX Coordinator/Title IX Deputy Coordinator will defer to the complainant’s wishes as to whether or not they want to file a formal complaint.

If the Title IX Coordinator is the one who signs and initiates a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process and must comply with requirements for Title IX personnel to be free from conflicts of interest and bias.

MTI’s Title IX Policy provides for a consistent, transparent grievance process for resolving formal complaints of sexual harassment. MTI’s policy is required to treat complainants equitably by providing remedies any time a respondent is found responsible and treat respondents equitably by not imposing disciplinary sanctions without following the grievance process prescribed in MTI’s policy. Any remedies, which are required to be provided to a complainant when a respondent is found responsible, will be designed to maintain the complainant’s equal access to education and may include the same individualized services described as supportive measures; however, any remedies imposed do not need to be non-disciplinary or non-punitive and need not avoid burdening the respondent.

Once a formal complaint has been filed, MTI will provide a written notice to each of the parties involved, which will include a copy of MTI’s written Grievance Process, a list of the allegations, including specific information regarding the allegations, and a notice that the parties have a right to an advisor. The advisor does not need not be a lawyer. If during the investigation additional allegations are investigated, then a new notice must be provided to the parties, which identifies the new issues.

### **Retaliation and/or Violation of Interim Protections**

MTI College prohibits any form of retaliation, intimidation, threats, coercion, discrimination, or harassment against any individual who filed or otherwise participated in the filing or investigation of a complaint of discrimination or any other violations of College policies, including but not limited to MTI College’s Code of Conduct. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint under MTI College’s Title IX Policy, or those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of MTI College’s Code of Conduct or other College policy. Actions do not have to be on the basis of sex or involve sexual harassment to constitute retaliation. Retaliation complaints may use the same grievance process as sexual harassment complaints. Any individual who believes he or she has been subjected to retaliation may file a separate complaint under this procedure. MTI will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding, which does not constitute retaliation.

The following circumstances do not constitute retaliation:

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1. Exercising one's rights protected under the First Amendment.
  2. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.
  3. Charging an individual with code of conduct violations that do not involve sexual harassment but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment; however, for the purpose of interfering with any right or privilege secured by Title IX does constitute retaliation.

It is a violation of MTI College's policy to retaliate in any way against an individual or a group because the individual or group of individuals reported an allegation of sexual harassment or misconduct. MTI College recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a Respondent can also be the subject of retaliation by the Complainant or a third party. MTI College will take immediate and responsive action to any report of retaliation and may pursue disciplinary action as appropriate.

Not only is retaliation a violation of MTI College's policy but may also be a violation of the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All conduct that is believed to constitute retaliation should be reported immediately to Eric G. Fernandez, Title IX Coordinator, at (916) 339-4371 or at [Efernandez@mticollege.edu](mailto:Efernandez@mticollege.edu); or Lawrence Richman, Title IX Deputy Coordinator, at (916) 339-4371 or at [Lrichman@mticollege.edu](mailto:Lrichman@mticollege.edu).

The reporting procedures described in this Policy also apply to allegations of retaliation.

### **Grievance Process**

MTI's grievance procedures are designed to ensure that the Title IX complaint process is free from conflicts of interest and to treat everyone equally during the process, which requires Title IX personnel (Title IX Coordinators, Investigators, Decision-Makers, and people who facilitate any informal resolution process) to be free from conflicts of interest or bias for or against complainants or respondents. In order to accomplish this, we have put into place the following requirements.

1. All Title IX personnel must include training on the definition of sexual harassment, the scope of MTI's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
2. MTI provides all decision-makers with training on any technology to be used at a live hearing. In addition, MTI's decision-makers and investigators receive training on issues of relevance, including how to apply the rape shield protections provided (only for complainants), prior to participating in any Title IX investigation.
3. The federal regulations governing Title IX allegations requires that there is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. MTI may remove a respondent from the recipient's educational program or activity on an emergency basis, provided that MTI undertakes an individualized safety and risk analysis and 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 provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. In the case of a School employee, MTI may place the individual on mandatory administrative leave.
4. All of the materials MTI uses to train Title IX personnel are located on MTI's website under the Required Disclosures section on the home page.
5. Once the hearing takes place, the Decision-Maker may take the following actions against the respondent: dismiss the complaint; place the individual on probation; suspend the individual; terminate the individual; require the individual to go to counseling; change the respondent's schedule; or require the individual to retake the Title IX training.

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6. MTI may provide the following remedies to a complainant: an escort; removal from shared classes; academic support services, such as tutoring; and medical or counseling services.
  7. MTI has chosen to use the preponderance of the evidence standard, for all formal complaints of sexual harassment (including where employees and faculty are respondents).
  8. Upon completion of the Title IX process, either party may file an appeal of the decision. MTI's appeal process is outlined below.
  9. Throughout the grievance process MTI will not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
  10. All provisions, rules, or practices that are a part of MTI's grievance process for handling formal complaints of sexual harassment apply equally to both parties.

To initiate a criminal investigation, reports of sexual violence should be made to "911" or local law enforcement. The criminal process is separate from MTI's disciplinary process. To the extent that an employee or contract worker is not satisfied with MTI's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

MTI will also notify Complainants of the right to proceed simultaneously with a criminal investigation for incidents of sexual harassment or misconduct that may also be crimes under the law and a Title IX complaint. MTI will not wait for the criminal investigation or criminal proceeding to be concluded before beginning its own investigation. In every case of sexual violence, MTI College will notify the Sacramento Sheriff Department of the allegations. MTI College will provide a Complainant information concerning how to make a criminal report. In the event that law enforcement agencies pursue the complaint, MTI College will cooperate to the extent permitted by law.

### **Investigation of Complaints**

MTI College will investigate ***every reported complaint*** of unlawful discrimination or harassment. In response to all complaints, MTI promises prompt, thorough, professional and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. MTI will follow its written grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. During this process MTI will not restrict an individual's rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.

The federal regulations require a school to investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator. The regulations affirm that a complainant's wishes with respect to whether MTI investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

If the allegations in a formal complaint do not meet the definition of sexual harassment, or did not occur in MTI's education program or activity against a person in the United States, MTI must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner MTI deems appropriate under MTI's own code of conduct, which is published in MTI's catalog. MTI may also dismiss a complaint if: the complainant withdraws the complaint; if the respondent is no longer enrolled or employed at MTI; or if circumstances prevent institution from being able to investigate the complaint allegations. In this case, each party needs to be notified that the complaint has been dismissed and the reasons why it has been dismissed.

The time necessary to conduct an investigation will vary based on complexity of the allegation but will generally be completed within sixty (60) days of receipt of the complaint, which includes appeals and informal resolutions, with an allowance for short-term and good cause delays or extensions of the time frame. If a complainant requests confidentiality, MTI will take all reasonable steps to investigate and respond to the complaint consistent with the request. If a complainant insists that their name or other identifiable information not be disclosed to the alleged perpetrator, MTI will inform the complainant that its ability to respond may be limited.

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The preponderance of the evidence standard will apply to investigations, meaning MTI will evaluate whether it is more likely than not that the alleged conduct occurred.

During the investigation, MTI will provide interim/protective measures, as necessary, to protect the safety and well-being of students and/or employees involved and are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party and to protect the safety of all parties, MTI's educational environment, or deter sexual harassment.

The Title IX Coordinator/Title IX Deputy Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures; consider the complainant's wishes with respect to supportive measures; inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and explain to the complainant the process for filing a formal complaint. MTI will offer supportive measures, at no cost, to the person alleged to be the victim (referred to as the "complainant"), which may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures to help protect the alleged victim and deter sexual harassment. The respondent is also eligible for the same supportive measures that the complainant has available. MTI will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of MTI to provide the supportive measures. MTI's Title IX Coordinator/Title IX Deputy Coordinator is responsible for coordinating the effective implementation of all supportive measures that will be provided before sanctions in any grievance procedure are imposed.

MTI will investigate the allegations in any formal complaint and send written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint. The Title IX Coordinator has the responsibility of investigating the complaint allegations; however, if it is in the best interest of the parties involved MTI may choose another employee or hire a third-party to conduct the investigation.

During the grievance process, and when investigating the complaint allegations, MTI will abide by the following procedures:

1. MTI will apply a presumption that the respondent is not responsible during the grievance process (presumption of innocence). The burden of gathering evidence and burden of proof is the responsibility of MTI, not on the individual parties.
2. MTI will provide equal opportunity for the parties involved to present fact and expert witnesses and other inculpatory and exculpatory evidence. Witnesses cannot be anonymous.
3. MTI will not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders") to support their case.
4. Both parties to the complaint will have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
5. MTI as a part of the investigative process will send written notice of any investigative interviews, meetings, or hearings to both parties. Any interviews that occur can have both parties' advisors present.
6. MTI will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence provided.
7. MTI will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond to the report.
8. MTI will dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in a school's educational program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude MTI from addressing the conduct in any manner MTI deems appropriate.
9. MTI may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator/Title IX Deputy Coordinator in writing that the complainant desires to withdraw

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the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by MTI, or if specific circumstances prevent MTI from gathering sufficient evidence to reach a determination.

10. MTI will give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
11. MTI may, in their discretion, consolidate formal complaints where the allegations arise out of the same facts or circumstances, whether it is complaints against multiple respondents or by multiple complainants.
12. MTI will protect the privacy of a party's medical, psychological, and similar treatment records by stating that MTI cannot access or use such records unless MTI obtains the party's voluntary, written consent to do so.

### **Live Hearings**

MTI's Title IX grievance process provides for a live hearing. If the complaint goes to a live hearing, then each party must have an advisor. The appointed Decision-Maker is the individual who will be conducting the hearing. The following conditions will apply for a live hearing:

1. The Decision-Maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility.
2. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by either the complainant or respondent personally.
3. At the request of either party, MTI will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.
4. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
5. The live hearing provides for the opportunity for all parties' advisors to examine and cross-examine witnesses, including challenging the credibility of witnesses. Hearsay statements and irrelevant information is are not permitted.
6. MTI's process provides for rape shield protections for complainants deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.
7. If either party does not have an advisor present at the live hearing, MTI will provide, at no cost to that party, an advisor of MTI's choice who may be, but is not required to be, an attorney to conduct cross- examination on behalf of that party. Only the advisor may cross-examine the witnesses.
8. If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
9. Live hearings may be conducted with all parties physically present in the same geographic location or, at MTI's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
10. As a part of the process, MTI will create an audio or audiovisual recording, or transcript, of any live hearing, as a part of the record.

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### **Final Determination of the Investigation**

MTI's grievance process uses the preponderance of the evidence standard to determine responsibility. MTI's grievance process uses the same standard of evidence for all formal complaints of sexual harassment whether the respondent is a student or an employee (including faculty member). The Decision-Maker(s) in the process are required to objectively evaluate all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.

The Decision-Maker in all instances cannot be the Title IX Coordinator/Title IX Deputy Coordinator or the investigator in order to ensure that the investigative process is fair and free of bias. The Decision-Maker will issue a written determination regarding responsibility with findings of fact to include the following:

1. Must identify the standard of evidence used based on MTI's written policy.
2. Identify the allegations that constitute sexual harassment.
3. Describe the procedures MTI used from the filing of the formal complaint through the hearing process.
4. Make findings of fact and conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation.
5. Include the imposition of any sanctions or disciplinary actions imposed on the respondent, and whether any remedies will be provided to the complainant.
6. State the procedures to file an appeal and the allowable bases for an individual to appeal the decision.
7. Upon conclusion the written determination will be sent simultaneously to the parties.
8. The Title IX Coordinator is responsible for implementation of any remedies imposed by the Decision-Maker.

### **Appeal Process**

MTI will allow either or both parties the opportunity to appeal the Decision-Maker's determination regarding responsibility from a school's dismissal of a formal complaint or any allegations therein. Either party can appeal based on the following:

1. Procedural irregularity that affected the outcome of the matter;
2. Newly discovered evidence that could affect the outcome of the matter; and/or
3. The Title IX personnel had a conflict of interest or bias, that affected the outcome of the decision.

### **Informal Resolution**

MTI provides the opportunity for the parties involved in the formal complaint allegations to facilitate an informal resolution, such as mediation, so long as both parties give voluntary, informed, written consent to attempt an informal resolution. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. MTI will provide written notice to the parties of the allegations, requirements of the resolution process, and any limitations.

If the complaint allegations are in regard to an employee of MTI sexually harassing a student, the opportunity for an informal resolution is not available.

A School may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Similarly, a School may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

### **Final Corrective Measures**

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If the final decision is that unlawful discrimination or harassment occurred, MTI will initiate corrective action, as appropriate under the circumstances. For employees, the corrective action may range from verbal warnings up to and including termination from employment. For students, the corrective action may range from verbal warnings up to and including expulsion. If the individual found to have engaged in the unlawful discrimination or harassment is not an employee or student of MTI, corrective action within the reasonable control of the College, and as appropriate under the circumstances, will be initiated.

The employee or student who raised the complaint will be advised of the results of the final decision, unless doing so is prohibited by FERPA or other applicable law. Similarly, an employee or student who is accused of the unlawful discrimination or harassment will be advised of the results of the final decision.

## **ADDITIONAL CONSIDERATIONS**

### **Confidentiality**

Consistent with the requirements of this Policy, MTI College shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. This means that MTI will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this policy.

***Please be advised that confidentiality is not absolute.*** Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for MTI College to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct (see Reporting Requirements below).

***Please also note*** that physicians may keep the confidentiality of statements made to them in their role as medical professionals, but are required by law to report:

1. treatment of an injury sustained during a sexual assault, and
2. suspicion of a sexual assault committed against a person under 18 years of age.

Information shared with other individuals is not legally protected from disclosure. For example, if a report is made to one of the College's Deans, the Dean may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal requirements. In addition, MTI is required by law to report to the police certain information about incidents occurring on campus. Such reports are for statistical purposes only and do not include individual identities (see Clery Reporting below).

Sometimes a student may wish to report an incident of sexual misconduct, domestic violence, dating violence or stalking without pursuing disciplinary or legal action. MTI will seek to respect the wishes of the student when possible, recognizing that the College has a legal obligation to review all reports of sexual misconduct. However, even if a student does not want to proceed, MTI may be legally obligated to proceed, nonetheless. Depending on the circumstances such as the severity of the event, the respective ages and roles of the parties, whether there have been prior complaints against the accused, and right of the accused to be informed of the allegations against him/her, MTI College may determine it is necessary to proceed with a disciplinary response or implement other appropriate remedies. In such cases, the MTI College will notify the Complainant.

Students are urged to keep in mind that reporting acts of sexual violence, dating or domestic violence and stalking can help prevent future similar acts.

### **Conduct That May Appear to Be Consensual May Also Be Unacceptable.**

Sex/gender-based discrimination, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or gender-based characteristics, but not involving conduct of a sexual nature (e.g., the repeated sabotaging of female students' laboratory experiments by male students in the class), may be a form of sex discrimination prohibited by law. While sex/gender-based discrimination may be distinguished from sexual harassment, acts of sex/gender-based discrimination may contribute to the creation of a hostile work or academic environment. Thus, a



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determination of whether a hostile environment due to sexual harassment exists may take into account acts of sex/gender-based discrimination.

Not all sexual harassment occurs between persons of differing power. Sexual harassment may also occur between peers. In addition, while the majority of reported cases of sexual harassment involve a male harassing a female, sexual harassment may also involve a female harassing a male, or an individual harassing a person of the same gender.

Employees who engage in conduct in violation of this policy are acting outside the scope of their employment responsibilities and, in addition to discipline including termination of their employment, may be subject to individual legal liability and damages for their actions.

### **Reporting Requirements Re Threat of Bodily Harm or Danger to Others**

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

Any allegations or violations of Title IX will be reported to MTI's Clery Act coordinator to be included in MTI's annual reporting requirements (see below).

### **Clery Reporting**

MTI College is required to document all reports of sexual misconduct, including but not limited to domestic and dating violence and stalking, to satisfy the College's obligation to report statistics of crime on campus consistent with the Clery Act. No personally identifiable information about the Complainant will be shared for the purpose of maintaining these statistics. Identities and specific fact patterns will remain anonymous.

### **Intentionally False Reports**

Discriminatory activity and harassment, and particularly sexual harassment or assault, often is not witnessed by others, and reports of such activity cannot always be substantiated by additional evidence. Lack of any such additional evidence should not discourage an individual from reporting any incident in violation of this Policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously, without regard for truth, may be subject to disciplinary proceedings.

### **Truthfulness**

All individuals participating in the complaint process, including but not limited to making an initial report or complaint, are expected to tell the truth in all disciplinary matters. In order to ensure this is possible, individuals participating in student discipline hearings regarding an alleged violation of MTI College's Anti-Harassment and Discrimination Policy will not be charged and held responsible for minor violations of the College's Code of Conduct or other policy.

### **Record Keeping**

All records of the Title IX formal complaint including, the investigation, evidence, decision making process, hearings, and decision letters will be maintained by MTI for at least 7 years.

### **Required Training**

MTI's Title IX Coordinator/Title IX Deputy Coordinator, Investigator, Decision-Maker, or any person designated by MTI to facilitate an informal resolution process, must not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent. Each individual that is part of the Title IX process is required to take training that includes how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Part of the required training is to ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of MTI's education program or activity, how to serve impartially, how to make relevancy determinations, how to conduct an investigation and grievance process including hearings, appeals and informal resolution.

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MTI College has retained the services of Van Dermyden Makus to serve in the roles of Investigator and Decision-Maker (“VDM”). MTI College represents and warrants that VDM’s Investigators and Decisions-Makers are sufficiently trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant. MTI College also represents and warrants that VDM’s Investigators have been properly trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

- **Training material for MTI College’s Title IX Coordinators can be found here:**  
<https://training.paulmitchell.edu/courses/title-ix-coordinator-training-updated-2020/lessons/title-ix-coordinator-training/topic/training-the-title-ix-coordinator-tutorial/>
- **Title IX Training material for MTI College’s Students and additional Title IX Information for Students can be found on:**  
<https://elearning.mticollege.edu/mod/folder/view.php?id=285803>

[A full and complete copy of MTI College’s Student and Employee Anti-Harassment and Discrimination Policy \(Title IX Policy\) can be found on MTI College’s website at: https://mticollege.edu/about/disclosures/](https://mticollege.edu/about/disclosures/)

#### **Additional Information**

Employees and students may contact the Title IX Coordinator/Title IX Deputy Coordinator with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights (“OCR”) investigates complaints of unlawful 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://www2.ed.gov/about/offices/list/ocr/index.html>.

### **COMMON TITLE IX QUESTIONS & ANSWERS**

#### **What is Title IX Sexual Assault Prevention?**

Sexual violence, as that term is used, refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

#### **What is the College’s obligation under Title IX Sexual Assault with regard to staff and faculty?**

Staff, faculty, guests and visitors are all covered under Title IX Sexual Misconduct policies. Issues regarding staff, faculty, guests, visitors and other non-students should be reported to the Title IX Coordinator/Title IX Deputy Coordinator r.

#### **What are MTI College’s basic responsibilities to address student-on-student sexual violence?**

When a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions). If an investigation reveals that sexual violence created a hostile environment, the school must then take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Title IX requires a school to protect the complainant and ensure their safety as necessary, including taking interim steps before the final outcome of any investigation. The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation. If the school determines that the sexual violence occurred, the school must continue to take these steps to protect the complainant and ensure their safety, as necessary. The school should also ensure that the complainant is aware of any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health

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and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement.

If a school delays responding to allegations of sexual violence or responds inappropriately, the school's own inaction may subject the student to a hostile environment. If it does, the school will also be required to remedy the effects of the sexual violence that could reasonably have been prevented had the school responded promptly and appropriately. For example, if a school's ignoring of a student's complaints of sexual assault by a fellow student results in the complaining student having to remain in classes with the other student for several weeks and the complaining student's grades suffer because he or she was unable to concentrate in these classes, the school may need to permit the complaining student to retake the classes without an academic or financial penalty (in addition to any other remedies) in order to address the effects of the sexual violence.

### **What procedures must a school have in place to prevent sexual violence and resolve complaints?**

The Title IX regulations outline three key procedural requirements. Each school must:

1. Disseminate a notice of nondiscrimination
2. Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX
3. Adopt and publish reporting procedures providing for the prompt and equitable resolution of student and employee sex discrimination complaints

### **Can Faculty Serve as a Confidential Recourse?**

In short, NO. Faculty are considered responsible employees who have a duty to report. Accordingly, faculty cannot serve as confidential resources.

### **Does Title IX protect all students from sexual violence?**

Yes. Title IX protects all students at recipient institutions from sex discrimination, including sexual violence. Any student can experience sexual violence: from elementary to professional school students; male, female and non-binary students; straight, gay, lesbian, bisexual and transgender students; part-time and full-time students; students with and without disabilities; and students of different races and national origins.

### **How should a school respond to sexual violence when the alleged perpetrator is not affiliated with the school?**

The appropriate response will differ depending on the level of control the school has over the alleged perpetrator. For example, if a third-party vendor sexually assaults a student on campus, MTI College may not be able to discipline or take other direct action against the third-party vendor. Notwithstanding, MTI College would still be required to conduct an inquiry into what occurred and should report the incident to the appropriate authority and/or the third-party vendor's employer and encourage the employer to take appropriate action to prevent further sexual violence. MTI College would also notify the student of any right to file a complaint with local law enforcement. MTI College may also decide to terminate its contractual relationship with the third-party vendor to ensure that the vendor's employees are no longer invited on campus.

Even though a school's ability to take direct action against a particular perpetrator may be limited, the school must still take steps to provide appropriate remedies for the complainant and, where appropriate, the broader school population. This may include providing support services for the complainant and issuing new policy statements making it clear that the school does not tolerate sexual violence and will respond to any reports about such incidents.

### **Who has specific duty to report or investigate an incident involving sexual assault?**

- Individuals with a Duty to Report:
  - Campus Safety Authorities as per the Jeanne Clery Act
  - Responsible Employees (Title IX)
- Offices with a Duty to Investigate:
  - Human Resources
  - Student Services

### **How do I determine who is a campus safety authority?**

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A campus safety authority is a person or offices responsible for campus security: People or offices to which campus policy directs that crimes be reported; Officials with significant responsibility for student and campus activities. This means work that focuses on student activities. The focus is on function, not title. Examples include anyone who has line of responsibility, (Student Services, Human Resources, etc. or anyone with regular contact with students, beyond the classroom).

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## Sexual Violence Prevention and Response Violence Against Women Act (VAWA)

MTI College strictly prohibits any form of sexual violence, including dating violence, domestic violence, sexual assault and stalking, or sexual harassment committed by or perpetrated against students, employees, or third parties regardless of their sexual orientation, gender identity, part- or full-time status, disability, race, or national origin; and extends to all MTI-related programs and services held on or off the MTI campus, and non-school related activities that affect the school environment. MTI's policies and response regarding sexual violence apply to victims of sexual violence, regardless of whether the perpetrator is known to the victim or not.

### Definitions

For purposes of the *Clery Act*, dating violence, domestic violence, stalking and sexual assault are defined in the Federal Department of Education's regulations.

- **Dating violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Further, dating violence does not include acts covered under the definition of domestic violence.
- **Domestic Violence** is defined as a felony or misdemeanor crime of violence committed by:
  - a) A current or former spouse or intimate partner of the victim.
  - b) A person with whom the victim shares a child in common.
  - c) A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
  - d) A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
  - e) 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 in which the crime of violence occurred.
- **Stalking** is defined as 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.
- **Sexual Assault** is defined as an offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's UCR program and included in Appendix A of 34 CFR Part 668.

Under California law, dating or domestic violence, sexual assault, rape, and stalking are defined as follows:

- **Domestic or Dating Violence** (California Penal Code Section 13700)
  - (a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.
  - (b) "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship.
- **Sexual Assault** (California Penal Code Section 243.4)
  - (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

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- (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
  - (c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.
  - (d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.
  - (e) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.
- **Rape**, which includes acquaintance rape: (California Penal Code Section 261)  
Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
    - (a) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
    - (b) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
    - (c) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
    - (d) Where a person is at the time unconscious of the nature of the act, and this is known to the accused.
    - (e) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
    - (f) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.
  - **Stalking** (California Penal Code 646.9)
    - (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.

## Consent

The College follows the provisions of Section 67386 of the California Education Code, including the following:

"Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances: (1) The accused's belief in affirmative consent arose from the

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intoxication or recklessness of the accused; or (2) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances: (1) The complainant was asleep or unconscious; (2) The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity; or (3) The complainant was unable to communicate due to a mental or physical condition.

### Programs to Promote Awareness and Prevention

Efforts to increase awareness and prevent sexual harassment, sexual violence, and discrimination include the following:

- At the beginning of each term during new student orientation, students participate in a discussion regarding the Clery Act and Title IX prohibitions against sexual harassment, sexual violence and discrimination.
- New students receive a handout entitled *MTI Health and Safety Manual*. The handout explains MTI's policy and commitment to maintaining a campus environment free from sexual harassment, sexual violence, and discrimination. The handout includes the Title IX coordinators' contact information and describes the procedures for reporting a violation and how MTI will follow-up and investigate the complaint. The handout also contains general information and definitions of sexual violence, including dating violence, domestic violence, sexual assault, and stalking; and touches on topics such as confidentiality, interim measures, and retaliation. This handout is also available on the MTI College website.
- All employees receive the *MTI Health and Safety Manual* during their new employee orientation. The manual includes MTI's policy and commitment to maintaining a campus environment free from sexual harassment, sexual violence, and discrimination. The manual includes the Title IX coordinators' contact information and describes the procedures for reporting a violation and how MTI will follow-up and investigate the complaint. The handout also contains general information and definitions of sexual violence, including dating violence, domestic violence, sexual assault, and stalking; and touches on topics such as confidentiality, interim measures, and retaliation.
- Existing employees are required to review MTI's Student-Employee Anti-Harassment and Discrimination policy and the *MTI Health and Safety Manual* on an annual basis in conjunction with their annual performance review.
- Online training in preventing harassment and sexual violence and on the basics of FERPA is provided to the following audiences: New employees (upon hire); supervisory staff and other key employees (every two years); faculty (every other year in conjunction with annual performance review).
- Existing students receive links to the following policy documents via email on an annual basis. Students are encouraged to review these documents and contact the College if they have any questions. These and other campus policies may also be reviewed on the MTI College website (<https://www.mticollege.edu/>), the MTI College elearning website (<https://elearning.mticollege.edu/mod/folder/view.php?id=285803>) or on campus by request.
  - Drug and Alcohol Policy for a Drug-Free Campus and Workplace
  - Emergency Response and Evacuation
  - Reporting an On-Campus Crime or Emergency
  - Student-Employee Anti-Harassment and Discrimination Policy
  - Sexual Violence Prevention and Response – Violence Against Women Act (VAWA)
  - Student Rights under the Family Educational Rights and Privacy Act (FERPA)
- The MTI College elearning website (<https://elearning.mticollege.edu/>), which can be accessed by existing students and employees on or off campus, includes access to the Annual Campus Security Report, the MTI Alcohol and Drug policy, the Emergency Response and Evacuation procedures, the *MTI Health and Safety* manual. The site also includes links to local and online resources available for care and support, and information about prevention, risk reduction, bystander intervention, and facts and statistics about sexual violence. The site can be accessed by using an internet browser or by using the Moodle Mobile app on a smartphone or tablet.

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## **In the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking**

Victims or witnesses to a crime that occurs on school premises and involves an MTI student, campus visitor, or employee are strongly encouraged to report the incident to the campus director, president or CFO. If a student or employee is a victim of dating or domestic violence, sexual assault, or stalking, the victim has the option to notify the appropriate law enforcement authorities, including the local police, and request medical assistance. If the victim prefers, campus authorities will notify the law enforcement by calling 911. The victim may also decline notifying such authorities. The campus authority and/or a representative from the police or sheriff department will guide the victim through available options and support the victim.

The school and police strongly encourage the victim of dating or domestic violence, sexual assault, or stalking report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense, so do not disturb the area surrounding the incident.

The student or staff member can file a complaint with the campus director, president or CFO. The MTI Title IX coordinator/Title IX Deputy Coordinator will also be notified. Note: A Title IX coordinator is an employee of the College who receives annual training on issues relating to sexual or other unlawful harassment, discrimination, or sexual violence including dating violence, domestic violence, sexual assault and stalking; and on how to conduct an investigation that protects the safety of victims and promotes accountability. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations. The complaint should be filed as soon as possible after the occurrence has taken place. If the victim does not wish to file a complaint or does not request the College to take action on his/her behalf, the victim must confirm so in writing. If the victim wishes to file a criminal complaint, he/she is free to do so at any time before, during or after the school's internal investigation. The College will not wait for the conclusion of a criminal investigation or criminal proceedings before it begins its own investigation.

A student or employee who reports to the school that he or she has been a victim of domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and information regarding existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. In the event the victim wishes to obtain a restraining order, the handout includes links to information about various options and how to apply.<sup>1</sup> A restraining order (also called a protective order or a no-contact order) is a court-ordered document signed by a judge that prohibits the restrained person from harassing, making contact with, or assaulting the person seeking the order. MTI College does not issue orders of protection; however, it is MTI's policy and practice to comply with and enforce such orders when it is made aware. Students or employees who have such orders in place, are encouraged to inform the College.

Led by a Title IX coordinator, the College investigates all complaints in a thorough, impartial and timely manner. The College takes prompt and equitable action to investigate and address any reports or complaints that come to the attention of school personnel, either formally or informally. The investigation may include addressing allegations that alcohol or drugs were involved in the incident. Typically, the investigation process takes approximately 60 days to complete; however, timeframes may vary based on the severity of the allegation and complexity of the investigation. MTI College uses a preponderance of

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<sup>1</sup> Information regarding restraining orders:  
Sacramento Superior Court

<https://www.saccourt.ca.gov/restraining-orders/restraining-orders.aspx>

If you are seeking a civil harassment restraining order, you can obtain the necessary paperwork at the downtown Sacramento Superior Court, located at 720 9th Street Sacramento, CA 95814.

The Sacramento Regional Family Justice Center (FJC)

<http://www.hopethriveshere.org/>

The Sacramento Regional Family Justice Center can assist with applying for a Domestic Violence TRO by visiting the Center at the Family Relations Court House, Room 112 located at 3341 Power Inn Rd., Sacramento.



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evidence standard which means that the evidence presented, when compared with that opposing it, has more convincing force and produces the belief that the alleged act more likely occurred than not. In addition, the affirmative consent provisions of Section 67386 of the California Education Code are followed.

The proceedings will be conducted in a manner that is consistent with the school's policies and is transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld.

A student found guilty of violating the school's policy prohibiting dating violence, domestic violence, sexual assault or stalking could be criminally prosecuted in the state courts and may be reprimanded, sent to counseling, placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

At any time, the victim(s) may share information confidentially with counseling, advocacy, health, mental health, or sexual assault-related services. The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or comply with protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures requested and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

The College is committed to protecting the victim(s), ensuring that he or she has the ability to continue his/her educational activities in a safe environment before, during and after the investigation of the complaint. If the victim is a student, he/she will have the option to change his/her academic situation after an alleged incident of domestic violence, dating violence, sexual assault, or stalking if such changes are reasonably available. Similarly, if the victim is an employee, he/she will have the option of changing his/her work situation if such changes are reasonably available. The school will also help with transportation or housing issues to accommodate the alleged victim, or any other protective measures that may be deemed necessary. The school will make available to the student a leave of absence or opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. A financial aid advisor will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school.

An individual who is a victim or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the institution's student conduct standards and expectations at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

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Finally, the College does not tolerate acts of retaliation against an individual who raises an allegation of domestic violence, sexual assault, or stalking; or an individual who is cooperating in an investigation of such an allegation. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act. Any person found taking retaliatory action against such an individual will be subject to disciplinary action up to and including expulsion or termination.

(Related Policy Documents: Sexual Violence Prevention and Response Violence Against Women Act (VAWA))

### Engaged Bystanders

As members of the MTI College community, every student and employee plays a critical role in preventing crime - particularly crimes that are sexual in nature - through their words and actions. An engaged bystander is someone who intervenes when he/she observes or becomes aware of behaviors that are disrespectful, harmful, or promote sexual violence. Research has shown that engaged bystanders are crucial in preventing sexual violence, because they can minimize a situation early and stop behaviors from escalating. This being said, safety is critical when deciding how and when to respond as an engaged bystander. Further, given that every situation and every individual is different, it is a decision that each person must make for him or herself.

The National Sexual Violence Resource Center ([www.nsvrc.org/](http://www.nsvrc.org/)) offers the following suggestions:

When considering how to respond, ask yourself:

1. Is there a problem?
2. Does someone need help?
3. What are my options?
4. Is it safe for me to intervene? If not, take action by getting help.

In addition, there are many ways an engaged bystander can make a difference. Some examples include the following:

- Speak up when you hear sexual innuendos or jokes about rape, because sexual violence is never funny.
- When out with friends or at a party, make sure your friends get home safely.
- Be a role model online (e.g. Facebook, Twitter and other social media) by calling out inappropriate behavior and showing support for survivors by challenging violent and abusive comments, alerting the authorities if you see potentially illegal behavior, or posting articles and information that talk about healthy relationships and healthy sexuality.
- Finally, while it is better to get involved before sexual violence actually happens, you can also be an engaged bystander by being supportive and believing victims when they disclose abuse.

### Reducing Risk

Two of the most important things we all can do to protect ourselves and those we care about are to be aware and proactive. While we cannot completely eliminate the risk of something happening, there are things we can do to increase our safety and reduce the risk of an assault. The following websites contain excellent and current information on the topics of safety and prevention of sexual assault. We encourage our students and employees to visit these sites and share the information with friends and colleagues.

**RAINN (Rape, Abuse & Incest National Network) - <https://www.rainn.org/>**

RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and [online.rainn.org](http://online.rainn.org)) in partnership with more than 1,100 local sexual assault service providers across the country and operates the DoD Safe Helpline for the Department of Defense. RAINN also carries out programs to prevent sexual violence, help victims and ensure that rapists are brought to justice.

- Safety Planning  
<https://www.rainn.org/get-information/sexual-assault-prevention/safety-plan>

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- If Someone is Pressuring You  
<https://www.rainn.org/get-information/sexual-assault-prevention/avoiding-pressure>
  - Steps You Can Take to Prevent Sexual Assault  
<https://www.rainn.org/get-information/sexual-assault-recovery/protecting-your-friends>
  - What Consent Looks Like  
<https://www.rainn.org/get-information/sexual-assault-prevention/what-is-consent>
  - What Can Bystanders Do?  
<https://www.rainn.org/get-information/sexual-assault-prevention/bystanders-can-help>

**Clery Center - <http://clerycenter.org/>**

Focused on advocacy, education and collaboration, the Clery Center for Security on Campus is a nonprofit organization dedicated to safe campus communities nationwide. Their mission is to work with college and university communities to create safer campuses.

**The National Sexual Violence Resource Center ([www.nsvrc.org/](http://www.nsvrc.org/))**

The NSVRC's Mission is to provide leadership in preventing and responding to sexual violence through collaboration, sharing and creating resources, and promoting research. The center believes that it is imperative to improve responses to those who have been victimized by sexual violence in order to ensure that they are believed, helped, and supported throughout their recovery process.



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## Weapons on Campus

### **Weapons on Campus**

(Revised 2/2022)

Unauthorized possession or use of firearms, replicas, ammunition, explosives, fireworks, knives, or other weapons on campus or at a college-related activity is strictly prohibited and cause for disciplinary action up to and including termination or expulsion. In addition, any act or threat of physical intimidation, harassment, or violence against any person, groups of people or personal property will not be tolerated. Appropriate disciplinary action up to and including termination or expulsion will be taken where evidence of physical intimidation, harassment or violence is found.

Possession of a firearm is allowed only if the college president or an equivalent authority has granted permission in writing, even if the individual has a concealed weapon permit. California law requires that concealed weapons license holders obtain written permission from authorized school officials before carrying firearms or ammunition onto a college campus, unless the unloaded firearm or ammunition is kept in a locked container or within the locked trunk of a motor vehicle.

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## Student Rights Under the Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day MTI College ("College" or "the college") receives a request for access.

A student must submit to the dean of students, a written request that identifies the record(s) the student wishes to inspect. The dean of students, or another appropriate school official will make arrangements for access and notify the student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask MTI College to amend a record must submit a written request to the dean clearly identifying the part of the record the student wants changed and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and of the student's right to appeal.

3. The right to provide written consent before the College discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. A form to provide written consent may be obtained from the dean.

Under FERPA, MTI College may disclose information from a student's education records without the student's prior written consent when the disclosure is to school officials with legitimate educational interests. A school official typically includes a person employed by the College in an administrative, supervisory, academic, research, or support staff position; a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the College who performs an institutional service or function for which the College would otherwise use its own employees and who is under the direct control of the College with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College. In addition, the College may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.

MTI College also may disclose a student's PII without consent and without violating the FERPA rules when such information is considered "directory information", unless the student has restricted access to their personal information. The following items are considered directory information for this purpose: student name, email address, address, telephone number, program and curriculum, enrollment status (e.g. actively attending), dates of attendance, participation in officially recognized activities, photography, receipt of diploma or degree, and academic awards received.

While attending, students may request to restrict the release of their directory information except to College officials with a legitimate educational interest. In order to restrict all information, a signed and dated request must be made in writing to the dean. The form may be obtained from the dean of students. Should the student graduate or otherwise leave the College, this restriction will remain in place until the student requests for it to be removed. Please note: If a blanket restriction makes a student's entire record confidential, no information can be shared about the individual without the student's written consent. In such a case, problems may occur thereafter when potential employers or other parties make inquiries about the student.

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The College is permitted to disclose personally identifiable information from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. The College is required to maintain a record of disclosures of student information with the exception of 1) disclosures to school officials, 2) disclosures related to some judicial orders or lawfully issued subpoenas, 3) disclosures of directory information, 4) disclosures for which the student has given written consent, and 5) disclosures to the student (ref. § 99.32 of FERPA regulations). The request and the disclosure of information is to be documented by the dean in the FERPA Disclosure Log and in Anthology. Eligible students have a right to inspect and review the disclosure log which is maintained by the dean.

The College may disclose personally identifiable information from an education record of a student without the consent required by §99.30 if the disclosure meets one or more of the following conditions:

- To other school officials, including teachers, within MTI College whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the College's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8)) *Please note: MTI College will not release information under this condition without the student's consent.*
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or

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non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))

- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Reference: 34 CFR §99.30-§99.33



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# Injury and Illness Prevention Program (IIPP)

## Introduction

MTI College recognizes that our employees are the most valuable assets of this institution. We are committed to maintaining a safe and healthful work environment for every employee. Nothing is more important than maintaining on-the-job health and safety in every job or task we accomplish. We firmly believe that we can perform our assigned duties while maintaining the highest standard of safety for all employees.

All management personnel is responsible and accountable for maintaining safe working conditions. Training will be provided as needed to ensure that each employee has the skills and knowledge necessary to safely perform his/her job. The college will consistently support this policy and will be responsive to each employee's health and safety needs and concerns.

All employees will be responsible and accountable for following the guidelines outlined in this health and safety policy. Employees are expected to provide management with feedback or suggestions on any health and safety concerns so that they may be addressed promptly and efficiently.

## What is the workplace injury and illness prevention program?

California State law requires MTI College to have an effective, written workplace injury and illness prevention program. The Injury & Illness Prevention Program is sometimes referred to as the IIPP or Title 8-3203. The primary purpose of the written plan is to describe the steps the College takes to ensure a healthy workplace for all its employees. Specifically, the plan explains and documents how the department:

- Detects and corrects unsafe/unhealthy work conditions;
- Encourages workers to report unsafe conditions without fear of reprisal;
- Communicates health and safety issues in a way that is understandable to all workers;
- Ensures that workers comply with safe work practices.

The MTI College IIPP policy and responsibilities can be found in Appendix A. They are also available upon request.

## Who does this law cover?

This law covers all College employees in all job classifications, including academic and administrative staff.

## What is your role?

Everyone has a role in workplace health and safety! Success in this effort requires a partnership of commitment and cooperation between you and the College. At a minimum, the College provides training on how to work safely when you begin a new job, when a new potential hazard is added to your work environment and with each new job assignment. You, as an employee, have an obligation to work in a safe, responsible manner and in accordance with the safety training you receive. You also need to inform your supervisor about hazards you observe in the workplace and be generally familiar with your department's injury and illness prevention plan.

## What you need to know!

- Know the potential health and safety hazards of your job and how to protect yourself.
- Know how to report unsafe conditions; don't undertake a job that appears unsafe.
- Understand measures for minimizing exposures. These can include safe work practices, and personal protective equipment (such as gloves, safety glasses, etc.). Personal protective equipment must be used when and where required and must be maintained properly.
- Report any work-related injuries or illnesses to your supervisor.
- What to do in case of emergency.

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## Safety on the Job

To ensure safety on the job, all employees are asked to comply with the following safety measures:

- Individuals should not lift or move objects or otherwise engage in any activity which will place them in possible danger.
- All equipment should be moved only by personnel designated by the president, campus director, or designee.
- Stairways and aisles are to be kept clear, work areas are to be kept neat and orderly, and spills or other potential hazards such as standing water are to be cleaned up promptly.
- Horseplay, scuffling or other acts that can adversely influence personal safety are prohibited.
- Stacking boxes, supplies, equipment, etc. in an unstable manner should be avoided. Do not store or stack anything against doors, fire extinguishing equipment, or electrical panels.
- Proper lifting techniques are to be used to avoid injury.
- Proper clothing, including gloves, footwear, or personal protective clothing are to be worn as appropriate.
- Proper food and beverage storage is to be followed to prevent contamination.
- Employees should be aware of information posted regarding potential chemical hazards and other safety issues.
- Employees should be aware of potential safety hazards specific to their jobs and know how to protect themselves against injury or illness.

For your safety and the safety of others on campus, please report any unsafe conditions or safety hazards to your supervisor, or:

Michael Zimmerman, President ..... (916) 339-4360  
Lawrence Richman, Campus Director.....(916) 339-4371

## Medical Emergencies

- In the event of a life-threatening medical situation, **call 911** immediately. Conditions may include (but are not limited to): severe chest pains, gunshot wounds, severe burns, hemorrhaging, severe head injuries, and open (compound) fractures.
- A student or employee who observes an injury or who becomes injured while on campus grounds should immediately report the incident to a supervisor, manager or the campus director. The individual receiving the report will determine the immediate needs of the victim and will make arrangements to address those needs as appropriate.
- When there is an individual who is ill or injured, the following steps should be taken:
  - Keep the victim as comfortable as possible.
  - Do not move the victim any more than is necessary for his/her safety.
  - Never administer liquids to an unconscious victim.
  - Do not remove objects that may be embedded in the victim's skin.
  - Secure the accident scene.

## First Aid Kit Locations

Main Building ..... Front Desk, Room 114, and the Dean of Students office  
North Annex (Downstairs) ..... Healthcare Department Chair's office (in director's hallway, behind lobby)  
Paul Mitchell Building (Downstairs) ..... Receptionist's Desk

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## Reporting Injuries

Employees who are injured on the job or while performing job related duties must immediately report any injuries to their supervisors regardless of how minor the injury may seem.

If medical care is needed immediately, supervisors should assist their employees in getting such care, after which the full details of such injury are to be reported to:

Michael Zimmerman, President ..... (916) 339-4360  
Lawrence Richman, Campus Director.....(916) 339-4371

- A student or employee who observes an injury or who becomes injured while on campus grounds should immediately report the occurrence to a supervisor, manager, CFO or President. The individual receiving the report will determine the immediate needs of the victim and will make arrangements to address those needs as appropriate.
- In the event of a life-threatening medical situation, call 911 immediately regardless of whether or not the victim requests it. Do not attempt to assess or have the individual's condition assessed; leave this job for the paramedic professionals. Conditions may include (but are not limited to): severe chest pains, gunshot wounds, severe burns, hemorrhaging, severe head injuries, and open (compound) fractures.
- The individual to whom the incident is reported will complete an incident report form for the purpose of including in the annual campus crime report submitted to the Department of Education. The electronic copy of the form can be found in the r:\common\forms\admin folder.
- The completed incident report is to be submitted to the campus director who will follow-up as necessary and appropriate.
- The institution will not be held responsible for students' or staff's personal property that is lost, stolen, or damaged while on campus grounds.



# MTI COLLEGE

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## Incident Report

In the event that an incident occurs on campus resulting in personal injury, or lost or damaged property, please provide the following information and submit to the campus director, Lawrence Richman.

Date of incident: \_\_\_\_\_

Victim's name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Incident reported by: \_\_\_\_\_ Phone #: \_\_\_\_\_

Incident reported to: \_\_\_\_\_

Type of incident: \_\_\_\_\_

Clery-related crime?  Yes  No

Title IX-related incident?  Yes  No

Title IX coordinator/deputy  
coordinator notified?  Yes  No

Location of incident:

On campus  Public Property

Description of location: \_\_\_\_\_  
\_\_\_\_\_

Witness(es): \_\_\_\_\_ Phone #: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Description of the incident (attach additional pages or supporting documentation as necessary)

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## Appendix

### MTI College Injury and Illness Prevention Program (IIPP)

**Note: This section is for employees.**

#### Policy and Responsibilities

It is the policy of MTI College to provide for the continuous development, implementation, and maintenance of an ongoing program that assures a healthy and safe work environment for all employees in compliance with all federal and state laws. In keeping with that goal, General Industry Safety Orders, located in California Code of Regulations, Title 8, Section 3203 (CCR 8-3203) require each employer to establish, implement and maintain a written Injury and Illness Prevention Program (IIPP). This master Injury and Illness Prevention Program for MTI College is maintained by the campus director, the MTI College OSHA compliance administrator, in the campus director's office. However, due to the specific additional exposures present in the medical department, that department will have and maintain its own written Injury and Illness Prevention Program. There are seven elements required of an IIPP:

1. Identify the persons with authority and responsibility for implementing the program;
2. Create a system to ensure employee compliance with safe and healthy work practices;
3. Establish a system for safety communication;
4. Conduct inspections and evaluations of workplace hazards;
5. Set up procedures to investigate workplace accidents, injuries or illnesses;
6. Set up procedures for correcting unsafe or unhealthy conditions; and
7. Provide health and safety training.

This IIPP was prepared to conform to the requirements of implementing legislation and the standards and guidance adopted by the California Division of Occupational Safety and Health (Cal-OSHA). The purpose of this written IIPP is to provide a comprehensive plan demonstrating management's commitment to creating a safe and healthy environment for MTI College's students, faculty and staff, integrating health and safety compliance into ongoing operational activities, and complying with the requirements of CCR 8-3203.

#### 1. Authority and Responsibility

The authority and responsibility for implementing and maintaining the IIPP in accordance with the California Code of Regulations is held by the following individuals:

- The campus director has direct authority and responsibility for implementing and maintaining this IIPP.
- The president has overall authority and responsibility for ensuring MTI College, the educational institution covered by this IIPP, complies with all federal, state, and local laws.
- The department chair for the healthcare department is responsible for maintaining the IIPP in the healthcare department.

In addition to these three individuals, all deans, department chairs, and other supervisory personnel are responsible for implementing and maintaining the IIPP in their work areas and for answering employee questions about the Program. A copy of the IIPP is available on the MTI College e-learning website (<http://elearning.mticollege.edu/>) and on the common drive.

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## **2. Employee Compliance**

Employees are required to comply with safe work practices, work directives, and the use of all proper safety equipment including personal protective equipment (PPE). In addition, employees are responsible for following all policies and procedures and for assisting in maintaining a safe work environment. Employees are encouraged to report to their supervisor all health and safety concerns, unsafe practices, hazardous conditions, and building deficiencies. Employees are informed that they will not be dismissed or discriminated against for informing supervisors or those best able to correct a problem about worksite hazards and/or unsafe practices. Employees are also informed all of the above safe working practices and the use of PPE are mandatory. Failure to follow the safety requirements, training or policies is subject to corrective or disciplinary action.

Disciplinary actions will be taken to assure that employees comply with all safe and healthy work practices. Such disciplinary actions may range from additional training and warnings to probation or termination, depending on the seriousness of the violation. Occupational injuries and illnesses will be investigated when they occur or when employees first become aware of such problems. Unsafe actions will be corrected or prevented from recurring. Employee performance appraisals should include a review of the employee's effectiveness in following good practices of workplace safety.

Management is responsible for ensuring that employees have the training, knowledge, tools, and other resources needed to perform their work in a safe and healthy manner. To accomplish this, management must ensure all health and safety policies and procedures are clearly communicated and understood by all employees. Supervisors are expected to enforce the rules fairly and uniformly and will take action to correct hazards or modify job duties to mitigate exposures.

In summary, the following methods will be used to ensure all workers comply with the rules and maintain a safe work environment:

1. Inform all workers of the provisions of our IIPP;
2. Evaluate the safety performance of all workers;
3. Recognize employees who exemplify safe and healthful work practices;
4. Provide training to employees whose safety performance is deficient; and
5. Discipline employees who fail to comply with safe and healthful work practices.

## **3. Safety Communication**

The following is our system of communication designed to facilitate a continuous flow of two-way (management, supervision and employees) health and safety information, all in a form that is readily understandable to and between all affected personnel:

1. New employee orientation, including a discussion of site-specific health and safety policies and procedures;
2. Follow through by supervision to ensure effectiveness;
3. Workplace specific health and safety training;
4. Safety meetings held quarterly, or more frequently as deemed necessary by the creation of hazards or the occurrence of injuries or illnesses;
5. Effective written communication of health and safety concerns between workers and supervisors;
6. Posted and distributed safety information;
7. Solicited anonymous suggestions to inform management about workplace hazards without concern for reprisal (via suggestion box or Hazard Alert Report); and
8. Any other means deemed necessary to ensure communication with employees is accomplished in a particular situation.

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#### **4. Hazard Assessment**

Periodic inspections are conducted to identify and evaluate workplace hazards and unsafe working practices as follows:

1. When our Injury and Illness Prevention Program was first established;
2. By the management employee opening the campus each morning;
3. When new substances, processes, procedures or equipment that present potential new hazards are introduced into our workplace;
4. When new, previously unidentified hazards are recognized;
5. When occupational injuries or illnesses occur;
6. When we hire and/or reassign employees to processes, operations, or tasks for which a hazard evaluation has not been previously conducted; and
7. Whenever workplace conditions warrant an inspection.

Periodic inspections consist of identification and evaluation of workplace hazards utilizing applicable sections of the Hazard Assessment Checklist, and any other effective means to identify and evaluate workplace hazards.

#### **5. Accident/Exposure Investigations**

Investigation of occupational injury, illness or exposure to chemicals includes gathering pertinent data and making objective evaluation of facts, statements, and related information, all of which lead to a plan to prevent recurrence. Investigations shall be conducted by the campus director or president, or their designee as soon as possible following the report of an accident. Investigations must be documented and should include:

1. Interviewing injured workers and witnesses;
2. Examining the workplace for factors associated with the accident;
3. Determining the cause of the accident;
4. Taking corrective action to prevent the accident from recurring; and
5. Documenting the findings and corrective actions taken on the Accident, Injury and Illness Investigation form.

#### **6. Correction of Unsafe or Unhealthy Conditions**

Unsafe or unhealthy work conditions, practices or procedures at our work facilities shall be corrected in a timely manner based on the severity of the hazards, and according to the following procedures:

1. Most hazards will be corrected when observed, discovered or otherwise identified;
2. When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, we will implement interim measures to mitigate employee exposure to the hazardous condition; and
3. All such actions taken and the dates they are completed shall be documented either by a notation on an inspection checklist or by using the Identified Hazards and Correction Record form.
4. Information on measures taken to correct hazards will be made available to employees.

#### **7. Health and Safety Training**

All employees, including management, faculty, adjunct faculty, and staff, shall have training and instruction on general and job-specific health and safety practices. Training and instruction shall be provided as follows:

1. When the IIPP is first established;
2. To all new employees at time of hire;
3. To all employees given new job assignments for which training has not been previously provided;
4. Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
5. Whenever we become aware of a new or previously unrecognized hazard;
6. To supervisors to familiarize them with the health and safety hazards to which workers under their immediate supervision and control may be exposed; and

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7. To all employees with respect to hazards specific to each employee's job assignment.

This training will include (but is not limited to):

1. Explanation of our IIPP, Emergency Response and Evacuation Plan, and procedures for reporting any unsafe working conditions or practices and/or workplace injuries;
2. The availability and location of toilet, hand-washing, and drinking water facilities;
3. Provisions for medical services and first aid, including emergency procedures;
4. Proper housekeeping, such as keeping stairways and aisles clear, work areas neat and orderly, and promptly cleaning up spills;
5. Prohibiting horseplay, scuffling, or other acts that adversely influence safety; and
6. Proper storage to prevent stacking goods in an unstable manner or storing materials against doors, exits, fire extinguishing equipment, and electrical panels.

Where applicable our training may also include:

1. Prevention of musculoskeletal disorders, including proper lifting techniques;
2. Use of proper clothing, including gloves, footwear, and personal protective equipment;
3. Information about chemical hazards to which employees could be exposed and other hazard communication program information; and
4. Proper food and beverage storage to prevent contamination.

In addition, we provide specific instructions to all employees regarding any hazards unique to their job assignment, to the extent it is not already covered in other training.

## **8. Record Keeping and Documentation**

Records relating to workplace inspections, evaluation of hazards, accident investigations and employee training must be compiled and retained to document implementation of this IIPP. As an educational institution with ten or more employees, MTI College keeps records as follows:

1. Records of our scheduled and periodic inspections, including the person(s) conducting the inspection, any workplace hazards (i.e. unsafe conditions and work practices that have been identified) and the action(s) taken to correct them are recorded on the Hazard Assessment Checklist, the Accident, Injury and Illness Investigation form, and the Identified Hazards and Correction Record form. These records are maintained for at least three years.
2. Documentation of health and safety training for each employee, including the employee's name or other identifier, training dates, type(s) of training, and training providers are recorded on the Individual Employee Training Record. These records are maintained for at least three years.