



# TITLE IX

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## *POLICIES AND PROCEDURES HANDBOOK*

CAGUAS – BAYAMON – VEGA BAJA – PONCE – MAYAGUEZ – SAN JUAN -  
ORLANDO

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## Introduction

**Mech Tech College, LLC and Mech Tech Institute, are** committed to maintain a work and study environment in which members of the Institutional Community are not discriminated against gender and/or sexual orientation to participate, receive benefits, become excluded from any program or activity or become exposed to any other form of discrimination by any member of the Institutional community.

To comply with Title IX Law dispositions, as well as with the New Regulations to the Title IX Act, that go in effect on August 1, 2024, this Handbook containing New Rules and procedures for submitting and addressing any allegations of violation with compliance of Title IX dispositions. This Handbook has been revised for that purpose and to establishing these Institutional policies and procedures in addition to reporting any Title IX related cases.

The rules and procedures described in this handbook apply to all the institutional community (administrative staff, instructors, students, and third parties), as established by Title IX law, that are within the reach and control of Mech Tech College, LLC and Mech Tech Institute.

All this institutional community has the responsibility of following up and maintaining the policies established by the Institution and in this Title IX Handbook. If necessary, they will be subjected to be part of an investigative process in the event of allegations that violate Title IX dispositions as defined in this handbook under the Title IX institutional policy.

## Legal Scope

This Handbook is based in compliance with the 1972 Department of **Education's Title IX** Act, its amendments, and implementation of the Regulations contained in 34 C.F.R. 106.31(a) And the New Rule of Education Amendments of 1972 that come into effect on August 1, 2024; (Recipient's Responses to Sexual Harassment (34 C.F.R 106.44), Grievance process for Formal Complaints of Sexual Harassment (34.C.F.R, 106.45), Title IX Coordinator, Non-Discrimination notice and Grievance Procedures (34 C.F.R. 106.8), As well as other provisions: Retaliation (Section 106.71); Religious Exemption – amendment to section (34 C.F.R. 106.12 (b) and Related Laws. This handbook has been revised and adjusted for compliance with the New Title IX Rules that go into effect on August 1, 2024.

### **Title IX Law provides that:**

*"..not one person will, based on his/her gender, be excluded of participating in, be denied of the benefits of, or be object of academic and extracurricular discrimination, of investigation, occupational training or any educational program and activity guided by an addressee who receives Federal financial aid."*

This handbook was created in virtue of the authority of the President of Mech Tech College, LLC / Mech Tech Institute of Orlando, Florida. In conformity and compliance with Title IX dispositions and has the purpose of establishing the Institutional rules and procedures to notify and attend any violation that may arise regarding Title IX.

To guarantee the compliance of the law under Title IX dispositions, Mech Tech College, LLC and Mech Tech Institute, have designated a Title IX Coordinator who will be the main contact to attend and direct any complaint regarding sexual and gender harassment within the Institution (MTC/MTI).

The Title IX Coordinator plays an integral role in the fulfillment of the institutional commitment to be able to provide a positive learning and work environment that guarantees the protection of all the institutional community.

Any person who understand that has been subjected to unwanted conduct under sex related discrimination that violates their dignity, this includes behaviors such as sexual harassment, discrimination based on sex, gender or sexual orientation, parenting or related conditions may contact the Title IX Coordinator at [titleixcoordinator@mechtech.edu](mailto:titleixcoordinator@mechtech.edu), and file a formal complaint in order to proceeds with an investigation and the corresponding actions are taken by the academic institution.

## TITLE IX IMPORTANT DEFINITIONS

**According to the New Rules of August 1, 2024 of the Education and Federal Justice Department:**

**1. Discrimination** – It is any unfavorable or inferior treatment, undeserved contempt towards a person and that can be discriminated against, separated or mistreated, both physically and mentally, because of their type of race, gender or sexual orientation, nationality or origin, religion, physical or mental condition, social situation or position, political ideas, their economic situation, pregnancy or related conditions, etc.

**2. Retaliation** – It is a form of: intimidation, revenge or punishment response to some type of aggression that seeks to obtain some type of satisfaction for a damage received. Section 106.71 adds retaliation to intimidation, threats, coercion, or discrimination, including charges against an individual for violations of the code of conduct that do not involve sex discrimination or sexual harassment, but arise from the same facts or circumstances as a report or complaint of sex discrimination or sexual harassment with the intent to interfere with the right or privilege secured by Title IX.

**The Title IX Act, establishes the following prohibitions and reclassifies them under the New Regulation under sexual harassment including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender:**

**3. Sexual Harassment (harassment)** - It is a form of unwanted discrimination of a sexual nature and this can include one or more of the following stereotypes;

**A. Quid Pro Quo** – It is when an employee, administrator, faculty, or any other person authorized by the recipient to provide an aid, benefit, or service under the recipient's educational program or activity that explicitly or implicitly conditions the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct, unwanted sexual advances, solicitation of unwanted sexual favors by the person who receives it, insinuations and any other expression, whether physical or verbal, that is directed to any person in the institutional community (Administration, Professors, Students, Applicants or Contractors) in exchange for a benefit.

**B. Hostile Environment Harassment** – Sex-based unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or that it limits or negates a person's ability to participate in or benefit from the recipient's educational program or activity (i.e., creates a hostile environment). If a hostile environment is a specific investigation of the facts that includes consideration of the following:

- 1.) The degree to which the conduct affected the complainant's ability to access the program, or educational activity of the beneficiary.
- 2.) The type, frequency and duration of the conduct.
- 3.) The ages of the parties, the roles within the beneficiary's educational program or activity, interactions and other factors about each party that may be relevant to evaluating the effects of the conduct.

- 4.) The place of the conduct and the context in which it occurred; and
- 5.) Other harassment based on sex in the beneficiary's educational program or activity.

**C. Other Specific Offenses Under the New Regulation:**

**1). Sexual Assault** – It is a crime classified under forced or non-forced sexual offense under the uniform crime reporting system of the Federal Bureau of Investigation;

**2). Dating violence** - understood 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 When the existence of such a relationship is determined on the basis of a consideration of the following factors:

- a.) The duration of the relationship
- b.) The type of relationship
- c.) The frequency of interaction between the people involved in the relationship

**3). Domestic violence** – felonies or misdemeanors committed by a person who is:

- a.) Is a current or former spouse or intimate partner of the victim under family or domestic violence of the jurisdiction of the recipient, or of a person who is the spouse of the victim;
- b.) You are living, or lived, with the victim as a spouse or intimate partner.
- c.) They have a child in common with the victim
- d.) Commits acts against a young or adult victim who is protected from those acts under the Family or domestic violence laws in the jurisdiction

**D). Stalking** – Conduct directed at a specific person that would cause a reasonable person to:

- a.) Be afraid for the safety of the person or the safety of others.
- b.) Suffering substantial emotional distress.

**E). Supportive Measures** - These are individualized measures offered as appropriate, as reasonably available, without imposing an unreasonable burden on the complainant or respondent, not for punitive or disciplinary reasons, and without fees or charges to the complainant or respondent to:

- 1.) Restore or preserve that party's access to the beneficiary's educational program or activity, including measures to protect the safety of the parties or the educational environment
- 2.) Provide support during recipient grievance procedures or during a meeting informal resolution process.

**Additional definitions:**

**1. Proof Adjudication** - Process by which evidence is adjudicated by the facts and determinations of whether or not there was a policy violation.

**2. Emotional Distress** - It is mental suffering or anguish to such a degree that it may or may not require the intervention of a health professional or professional counseling.

**3. Counselor** – Licensed professional trained to provide services to the student to assist them in the process of professional growth.

**4. Institutional Community** – It is the group of people who influence and are affected by the same educational environment (students, family members, employees, whether administrative, teachers, contractors or any other).

**5. Consent** - It is the free and voluntary manifestation of a person to carry out an action or an act.

**6. Title IX Coordinator** – This is the person designated and registered with the Federal Department of Education, to ensure that all persons affected by the institution's teaching services are aware of the rights of Title IX and to ensure that the institution and its officials comply with the legal obligations of Title IX. It is the responsibility of the Institution to have available new applicants, students and employees, as well as parents or guardians (in case the student is a minor) contact information for the Title IX Coordinator. This information should also be available on the institution's website.

**7. Discrimination based on sex or gender** – it is discrimination due to lack of conformity with gender stereotypes. This can include the type of unequal treatment of individuals for not conforming to the traditional opinions, roles, and norms assigned to the male or female gender. It is discrimination based on real or perceived sexual diversity, gender identity. (gay, bisexual, asexual, transsexual, transgenic person, among others).

**8. Discrimination for Paternity and Related Conditions** – Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a federal civil right that prohibits discrimination on the basis of sex, including pregnancy and parental status, in educational programs and activities.

**9. Dismissal of a Formal Complaint** – This consists of the dismissal of a complaint if the alleged facts include any of the following:

a. Do not meet the definition of sexual harassment.

b. They occur outside the Institution or the institution has no control or jurisdiction to be able to take actions against the individual who commits the alleged acts.

c. It occurs outside the territory of the United States.

d. There is not enough evidence to continue the investigation (in this case the institution may Proceed with the application of institutional policies and their regulations. Referring to the situation to the Office of Student Affairs or the Vice Presidency of Administration. and. If the complainant withdraws the complaint.

**10. Employee** – It is the person who performs in a certain position performing outstanding tasks, in the different departments of the Institution with intellectual qualities and for which he receives a salary in exchange.

**11. Student** – Consists of any person who is actively enrolled in a program offered by the Institution.

**12. Faculty** – It is composed of all full-task professors and part-assignment professors, providing professional services under contract. The meetings of the Faculty will be chaired by the Vice President of Education, the Dean of Academic Affairs, the Academic Director, the Lead Coordinator or Occupational Directors.

**13. Findings** – It is the conclusion of the facts. A process that occurs after the research group gathers and reviews the evidence of both parties and witnesses and reaches a determination of what did / not occur.

**14. Gender identity** – concept of oneself as a sexual being and the feelings that this entails.

**15. Incident** – Situation or act that is interposed in the normal course of a situation or an event.

**16. Institution** – We use this term to describe Mech Tech College, LLC., Mech Tech Institute, and their Campuses.

**17. Title IX Investigator** – A person designated by the Title IX Coordinator to conduct the investigation and present the findings of any alleged allegations that may arise under Title IX.

**18. Jurisdiction** – The alleged sexual harassment must have occurred within the institution or outside of the institution when the institution has substantial control of the complainant, under a program of study, or during an educational activity in the United States including Puerto Rico. Not excluding the use of distance learning platforms. (34 C.F.R. § 106.44(g) The Title IX Act will protect students as well as employees by providing that they must be active members of the community institutional.

**19. Cease and Desist Order** – It is a direct order given at any time by the Institution and the same may apply to a defendant, complainant, witnesses, or third party the purpose of preventing unnecessary or unwanted contact or approaching, this also includes sending electronic messages or through other people. Failure to comply with this Cease and Desist Order may result in referral to a conduct committee, temporary suspension, or expulsion.

**20. Sexual Orientation** – An individual's ability to feel emotional, affective, or sexual attraction to a person of a gender different from their own, of the same gender, or of more than one gender.

**21. Pattern of Conduct** – When an individual engages in two or more acts, including, but not limited to, acts in which a harasser directly or indirectly interferes with the person's professional or occupational prosperity due to constant surveillance, threatening, communicating, stalking, or harassing.

**22. Administrative Staff** – Includes all employees and supervisors, excluding teaching staff, who provide support in the administrative and operational functions of the Institution.

**23. Institutional Policy** – Rules established by the Institution as Mech Tech College, LLC. and Mech Tech Institute, to govern the conduct and procedures to be followed in the different institutional aspects.



**24. Mediation Process** – As part of a Title IX complaint resolution process, you may conduct the mediation process where both parties agree to dialogue in the presence of the mediator and accept responsibility and apologies.

**25. Formal Complaint** – Written and signed statement (physical or digital) about the situation / incident that occurred in violation of the policies. For these purposes, the institution has provided the use of a document known as: form: MTC-TITLE IX-001 Campuses in Puerto Rico and MTI – TITLE IX – 001 for the Orlando Campus. (34 C.F.R. § 106.44).

**26. Title IX Complaint** – Defined as an allegation that is presented to the Title IX Coordinator or other Institutional official by an individual who has been a victim of any type of discrimination or sexual situation.

**27. Complainant** - An individual who submits a written complaint about an alleged situation under Title IX.

**28. Defendant** – An individual who has legally provoked or performed some type of act under the classification of Title IX.

**29. Supervisor** – He is assigned to observe and direct the personnel to guide and monitor them in the fulfillment of their functions, assigning them the appropriate means and resources, and an action plan, coordinating work teams, to obtain the greatest profitability of the Institution.

**30. Policy Violation** – Failure to comply with policies or standards established by Mech Tech College, LLC. and Mech Tech Institute.

#### **PROCEDURE ON HANDLING A TITLE IX FORMAL COMPLAINT**

These procedures are based on the U.S. Department of Education's Office for Civil Rights' Case Processing Manual and the New Regulations that go into effect on August 1, 2024.

Once the institution becomes aware of an alleged complaint or situation that corresponds under Title IX, the Title IX Coordinator will respond promptly and appropriately.

The institution is obliged to:

- Offer support to the alleged victim.
- The Title IX Coordinator will communicate confidentially with the alleged victim to provide guidance and support, whether or not the victim has proceeded with a formal complaint.
- It is important to understand that in order to proceed with an investigation of an alleged complaint of sexual harassment, a formal complaint must be filed in writing and signed by the complainant or filed by the Title IX Coordinator. (MTC-Title IX-001 / MTI Title IX – 005).
- If it emerges that a Title IX allegation does not comply under these statutes, such formal complaint will be dismissed for Title IX purposes and referred under another type of regulation to be evaluated by the Office of Student Affairs, to see if it applies under another disciplinary conduct regulation.

The following people have the right to make a complaint of sex discrimination, including complaint of sex-based harassment, requesting that Mech Tech College / Mech Tech Institute investigate and make a determination about alleged discrimination under Title IX:

- A Complainant, which includes:

1. A student or employee of Mech Tech College / Mech Tech Institute, who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX.

2. A person other than a student or employee of Mech Tech College / Mech Tech Institute who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX, at the time when the individual was participating or attempting to participate in Mech Tech College / Mech Tech Institute education program or activity.

- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant.
- The Mech Tech College/Mech Tech Institute Title IX Coordinator.

A person has the right to make a complaint of sex-based harassment only if they:

1. Consider that have been subjected to sex-based harassment.

2. Have a legal right to act on behalf of a person.

3. If the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

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

1. Any student or employee of Mech Tech College / Mech Tech Institute

2. Any person other than a student or employee who was participating or attempting to participate in Mech Tech College / Mech Tech Institutes education program or activity at the time of the alleged sex discrimination.

Mech Tech College/Mech Tech Institute may consolidate the claims of sex discrimination against more than one respondent, or more than one complainant against one or more respondent, or by one or more party against other party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainants, or respondent include the plural, as applicable.

### **Basic References for Title IX Grievance Procedures:**

1. Mech Tech College / Mech Tech Institute will treat complainants and defendants equitable.
2. Mech Tech College / Mech Tech Institute requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or defendants generally or an individual complainant or defendant. A decision-maker may be the same person as the Title IX Coordinator or investigator.
3. Mech Tech College / Mech Tech Institute, presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of grievance procedure.
4. Mech Tech College / Mech Tech Institute has establish the following timeframes for the major stages of the grievance procedures:

### **I. Evaluation of a Discriminatory Complaint Report (form: MTC-TITLE IX-001 Campuses in Puerto Rico and MTI – TITLE IX – 001 for the Orlando Campus).**

#### **A. Determine what constitutes the complaint**

A complaint is a written statement using the institutional form MTC-TITLE IX-001 or MTI-TITLE IX-001, alleging that the rights of one or more individuals in the institutional community have been violated and are requesting that action be taken. Formal Title IX Complaints can be filed online, as well as by mail, fax, or in person. Once received, the Title IX Coordinator will determine if it is a complaint under the Title IX Act.

Complaints are not considered if they are:

- Oral arguments that are not reduced to writing.
- Anonymous correspondence.
- Complaint filed with another person or entity.

The institutional form MTC-TITLE IX-001 or MTI-TITLE IX-001 must include a written explanation of what happened; information of the person or group harmed by the alleged discrimination and information of the person or institution that legally caused the situation and this must be duly signed.

#### **II. Assignment of case number**

Once the formal complaint has been evaluated, the Title IX Coordinator will proceed to assign a case number which consists of assigning with the first letter of the complainant's capitalized name, the first letter of the defendant's capitalized name, followed by a hyphen # assigned by the Title IX Coordinator followed by a hyphen T-IX hyphen month – year – Precinct (AB-001-T-IX-4-2016-Precinct).

### **III. Evaluation and Recognition of Discriminatory Complaint Report**

Upon receipt of the Report of Discriminatory Complaint form (MTC-TITLE IX-001 or MTI-TITLE IX-001), the Title IX Coordinator will evaluate the complaint and determine whether it is appropriate as a Title IX discriminatory complaint, if so, a Title IX Investigator will be assigned who will subpoena the parties in writing and evidence of subpoena received.

The Discriminatory Complaint Report form must be duly completed and signed by the complainant or the complainant to resolve the complaint, consent will be required before proceeding. The complainant or the reporting party will be informed that the complaint will be null and void until the consent is signed.

### **IV. Written Notification of Complaint:**

Upon initiation of the Title IX grievance process, Mech Tech College / Mech Tech Institute will notify the parties in writing of the following with sufficient time for the parties to prepare to respond any initial interview:

- Mech Tech College / Mech Tech Title IX grievance procedures and any informal resolution processes.
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s).
- Retaliation is prohibited.
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination the parties will have the opportunity to present relevant and not otherwise inadmissible evidence to a trained and impartial decision-maker or investigator.
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney.
- The Parties are entitled to an equal opportunity to access the relevant and not otherwise inadmissible evidence or an investigation report that accurately summarizes this evidence. Mech Tech College / Mech Tech Institute provides access to an investigative report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party.
- If Mech Tech College Student Code of Conduct prohibit knowingly making false statements or knowingly submitting false information during grievance procedures, as follows: In Article VI, Section 1 subsection i. of the Mech Tech College Student Regulations prohibits knowingly making false statements or knowingly submitting false information during the complaint procedures. In the Mech Tech College Personnel Regulations, Section, Standards of Conduct with, There Are Certain Types of Conduct..., subsection 22.

If, in the course of an investigation, Mech Tech College / Mech Tech Institute decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will be provided written notice of the additional allegations to the parties.

#### **V. Request to Suspend or Postpone an Investigation Appointment.**

Mech Tech College / Mech Tech Institute has also established the following process that allows for reasonable extension of timeframe, on a case-by-case basis for good cause with notice to the parties that including the reason for the postponement or delay:

If any of the parties has a justified reason, they may request the postponement of the investigation appointment / grievance procedure. The process established for this consists of the postponement being requested in writing, with evidence of the reason why the postponement is requested and must be delivered at least 2 (two) days prior to the scheduled date of the appointment.

Our interest is that the complaints presented are attended as soon as possible and efficiently. The request to suspend or postpone the grievance procedures will not be favored without just cause of weight (death of a close relative, illness, appointment in court or police station, accident) and presentation of evidence. If the postponement of the investigation appointment is not approved, you will have to appear at the time and day indicated otherwise it will be classified as an absent to appointment due to rebellion.

#### **VI. Procedure for Filing a Discriminatory Complaint:**

Any member of the institutional community who believes that he or she has been subjected to any alleged violation of the provisions of Title IX is fully entitled to submit in writing using form MTC-TITLE IX-001 or MTI-TITLE IX-001 (Report of Discriminatory Complaint), which must be done in blue ink, complete all its parts and be duly signed. This document must include the details of what occurred and be given to the Title IX Coordinator or his/her representative. This process will begin the process of evaluating the complaint, assigning a case number, and assigning an investigator.

The Report of Discriminatory Complaint (Form MTC-TITLE IX-001 or MTI-TITLE IX-001) must be filed within 90 (ninety) calendar days from the date the events occur.

1. In the event that the complaint is made by an employee to another employee, or by a student to an employee, the designated investigator shall be an officer of the Human Resources Office or a person designated by the Human Resources Vice Precedent.

2. Complaints filed by a student to another student, or student to faculty or vice versa, the designated researcher may be the Counselor, Campus Director, or other person designated by the Title IX Coordinator.

In the event of a written formal complaint (form MTC-TITLE IX-001 or MTI-TITLE IX001) the designated investigator shall notify the complaining party within a period of no more than 5 calendar days. Service to the defendant may be effected in person by means of a letter of summons with proof of delivery, or by e-mail or by certified regular mail with acknowledgement of receipt. The complainant will also receive a notification letter informing them that the complainant has been summoned to an investigation process. This process can also be carried out in person by means of a summons letter with proof of delivery, or by email or by certified regular mail with acknowledgement of receipt.

The respondent shall be notified of the right to be represented by an attorney or any other representative of his or her choice. You will also be informed that, if you do not attend the investigation appointment or have notified in writing with evidence, request at least 2 (two) working days in advance of the appointment, postpone it, if approved, a new appointment will be given. If you do not show up for it, the complaint or defendant will be evaluated under absent to appointment due to rebellion, according to the established rules and procedures.

If the appointment is seen under absent to due to rebellion, the defendant may only limit himself to witnessing the proceedings and examining the documented or physical evidence that is presented against him. The defendant will not be allowed to present any evidence because this is an appointment under absent due to rebellion. It will be understood that the absence from the investigation appointment is due to rebellion, when the defendant does not answer or appears at the investigation appointment of the complaint.

#### **VII. Manner for Proceeding with the Investigation and Adjudication:**

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

At all times, the confidentiality of the process will be maintained and the parties and witnesses will be informed that they must maintain it. The investigation will be conducted by the investigator and the investigation must begin within 15 business days of receipt of the discriminatory complaint (Form MTC-TITLE IX-001 or MTI-TITLE IX-001).

The investigator shall be responsible for submitting to the Title IX Coordinator a report of the investigation (form MTC-TITLE IX-002 or MTI-TITLE IX-002) conducted within a period not exceeding 30 calendar days (which period may be extended) for an additional 15 calendar days. In the eventuality that there are days of academic and/or administrative recess or closure for reasons beyond the institution's control, holidays or other situations will not count for the purposes of the 30-day period.

Mech Tech College / Mech Tech Institue will objectively evaluate all evidence that is relevant and not otherwise impermissible - including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, defendant, or witness.

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

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

If necessary, this report may be forwarded to the Legal Division of Mech Tech College / Mech Tech Institute for evaluation and recommendations to the President. In the case of a formal allegation of Sexual Harassment, the institution may provide a live hearing where the recipient must allow direct cross-examination by the parties' counsel and "never by a party personally." The Title IX regulation states that, if a party does not have counsel present at the hearing, the addressee must provide that party with counsel of the recipient's choice to conduct cross-examination on behalf of the party and the counsel may or may not be counsel.

The parties may request that the interrogation be conducted in separate rooms with technology that allows the decision-maker and the parties to simultaneously see and hear the party answer questions in real time.

**Supportive Measures:**

Mech Tech College / Mech Tech Institute will offer and coordinate supportive measures as appropriate for the complainant and/or respondent. These supportive measures have the primary function of providing equal access to the education program or activity without any party being affected, protecting the safety of both parties, this are but not limited to:

1. Professional Counseling
2. Modification of submission of works

3. Additional protection with institution security personnel
4. Change of course or employment schedule, if there is availability.
5. Restriction of access to facilities or equipment.
6. Cease and Desist Order
7. Leave of absence
8. Temporary reassignment of employee/faculty/student to another campus.
9. Emergency Removal or Emergency Administrative Suspension.

In the case of being for reasons of pregnancy or related conditions, among the support measures are, but are not limited to:

1. Assistance regarding the study load or schedule (if available)
2. Excuse of absence due to pregnancy or childbirth.
3. Modification of need by request and availability E.g. Larger desk.
4. Modification in the exam schedule.
5. Breaks during class according to need or medical recommendation.

#### **The Investigation Process to Follow:**

Mech Tech College/Mech Tech Institute will provide an adequate, reliable, and impartial investigation of formal complaints received. The responsibility for the process rests with Mech Tech College/Mech Tech Institute, not with the parties, to conduct an investigation that gathers sufficient evidence to determine whether there was discrimination on the basis of sex.

Mech Tech College/Mech Tech Institute will provide to a party whose is invited or expected, written notice of the date, time, place, and purpose of all meetings or proceeding with sufficient time for the parties to prepare to participate.

Mech Tech College/Mech Tech Institute will provide parties with an equal opportunity to be escorted to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Mech Tech College/Mech Tech Institute will not limit the choice or presence of the advisor for the complainant or respondent's in any meeting or proceeding.
- Mech Tech College/Mech Tech Institute may establish restrictions regarding the extent to which the advisor may participates in these grievance procedures, as long as the restrictions apply equally to the Parties.



Mech Tech College/Mech Tech Institute will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' chosen present during any meeting or proceeding.

Mech Tech College/Mech Tech Institute will provide equal opportunity for parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise inadmissible.

Mech Tech College/Mech Tech Institute will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Mech Tech College/Mech Tech Institute will provide each party and the party's advisor, if any, with an equal opportunity to review the evidence that is relevant to the allegations of sex-base harassment and not otherwise impermissible, in the following manner:

- Mech Tech College/Mech Tech Institute will provide equal opportunity to access either the relevant and not otherwise inadmissible evidence, or the same written research report summarizing this evidence.

#### **Questioning the Parties' and Witness's:**

Mech Tech College/Mech Tech Institute will provide a process that allows the decision-maker, or investigator, to question parties and witnesses to properly assess a party or a witness's credibility to the extent credibility is both in disputes and relevant to evaluating one or more allegations of sex-based harassment. In the event that Mech Tech College / Mech Tech Institute chooses not to conduct a live hearing; Mech Tech College / Mech Tech Institute's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decision-maker to ask such questions during individual meetings with a party or witness.
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decision-maker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to procedures for evaluating and limiting questions.

In the event that Mech Tech College/Mech Tech Institute chooses to conduct a live hearing: Mech Tech College / Mech Tech Institute's process for proposing and asking parties relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decision-maker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decision-maker, subject to procedures for evaluating and limiting questions. (\*)
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions. (\*)
- Questioning processes will never be conducted by the parties or their representatives personally.

**(\*) Procedures for the decision-maker to evaluate questions and question limitations:**

1. The decision-maker, or the investigator, will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible.
2. Questions that are unclear or harassing the "No" party or witness being questioned will not be permitted.
3. The decision-maker or investigator will give a party an opportunity to clarify or revise a question that the decision-maker or investigator determines is unclear or harassing. If the party sufficiently clarifies or revises the question, it may be considered to ask the question.
4. Refusal to respond to questions and inferences based on refusal to respond to questions: The decision maker, or investigator, may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decision-maker or investigator will not draw an inference about whether sex-based harassment solely on a party's or witness's refusal to respond to such questions.

**Emergency Temporary Removal or Emergency Temporary Administrative Suspension:**

Mech Tech Colleg/Mech Tech Institute following a risk and safety analysis of a formal complaint received, the Title IX Coordinator, Investigator, or decision-maker, may request a temporary emergency removal or temporary emergency administrative suspension. This process requires the person to be notified in writing and evidence of having received the notification and the process to be followed in case they want to appeal the decision. It is important to recognize that the temporary suspension process does not mean that the person is responsible for the allegations, but that the person may pose a security risk to both the person and or any other member of the institutional community. For this process, the following must be analyzed:

**Risk factors, but not limited to:**

1. Threat that harm may be done to himself or others.
2. Use of weapons not permitted by the institution.
3. Previous history of behavioral problems, either in the institution or history outside the institution.
4. Mental health issues

**The process to follow for temporary emergency removal or temporary emergency administrative suspension is as follows:**

A committee whose composition is the same as the Title IX Committee, the decision-maker or the investigator, will assess the situation and submit a written risk report to the Title IX Coordinator suggesting temporary removal. The document must contain the rationale for the determination, the recommended time for the suspension (the period of temporary suspension will depend on the case, there is no specific period) and this decision of the committee, decision-maker or investigator. Both the student and or the faculty, or administrative personnel will have the opportunity to request an appeal.

In the case of a student or faculty, the Title IX Coordinator or his/her designee shall notify in writing and with evidence that he/she has received the decision for a temporary removal.

In the case of administrative personnel, the Vice President of Administration and Human Resources, will notify in writing and with evidence of having received the decision of a temporary removal.

It is important to note that if there is a violation of the emergency temporary removal process or emergency temporary administrative suspension, they could be exposed to more severe penalties including expulsion from the institution or termination of employment.

**After Investigation and Evaluation of all Evidence:**

Mech Tech College / Mech Tech Institute:

- Use the [preponderance of the evidence or, if applicable, clear and convincing] standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decision-maker, or investigator, to evaluate relevant and not otherwise impermissible evidence for its persuasiveness.
- If the decision-maker, investigator is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quality of the evidence is, the decision-maker or investigator will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal if applicable. (Form MTC – TITLE IX – 005 / MTI – TITLE IX – 005. This may contain the following information:
  1. Information about the policies and procedures that Mech Tech College/Mech Tech Institute used to evaluate the allegations.
  2. Evaluation by the decision-maker or investigator and the determination whether sex discrimination occurred under Title IX including the rationale for such determination
  3. When the decision-maker or investigator determines that there has been sex discrimination, any disciplinary measures or sanctions that Mech Tech College / Mech Tech Institute will impose on the defendant, whether different measures other than those that are taken in the imposition of disciplinary sanctions, will be facilitated by Mech Tech College/Mech Tech Institute to the complainant and, to the extent appropriate, to other students identified by Mech Tech College / Mech Tech Institute, for experiencing the effects of sex discrimination.

4. The Mech Tech College/Mech Tech Institute will provide the process and procedures for the defendant to appeal.

- Mech Tech College / Mech Tech Institute will not impose disciplinary sanctions on a defendant for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedure that the respondent engaged in prohibited sex discrimination.
- If there is a determined that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

1. Coordinate the provision and implementation of remedies to a complainant and other people Mech Tech College / Mech Tech Institute identified as having had equal access to Mech Tech College / Mech Tech Institute education program or activity limited or denied by sex discrimination.

2. Coordinate the imposition of any disciplinary sanction on a respondent, including notification to the complainant of any such disciplinary sanctions.

3. Take other appropriate, prompt and effective steps to ensure that sex discrimination does not continue or recur within Mech Tech College/Mech Tech Institute education program or activity.

- Comply with Title IX grievance procedures, before the imposition of any disciplinary sanction against a defendant.
- Not discipline a party, witness, or others who participate in the Title IX grievance procedure for making a false statement or engaging in consensual sexual conduct based solely on the determination of whether sex discrimination occurred.

The determination of liability becomes final on the date on which Mech Tech College/Mech Tech Institute provides the parties with written determination of the outcome of any appeal or, if neither party appealed the decision, or when the date of an appeal would no longer be deemed timely.

#### **VIII. Resolution of the Complaint Without the Need for a Committee**

If, during or prior to the investigation process, the complaining party freely and voluntarily decides to withdraw the sex - discriminatory Title IX complaint or requests that it not be heard through a committee process, both parties need to agree and must file a written request using form MTC-TITLE IX – 003 or MTI-TITLE IX – 003, for this process, Both parties must agree in writing and sign it, Once it has been evaluated and approved, a report will be concluded using the form MTC-TITLE IX-005 or MTI-TITLE IX-005 Evaluation of the Investigation to Adjudicate the Complaint and the process will be terminated and filed.

In the event that during the investigation process it appears that there is no cause in the investigative report or sufficient evidence to believe that the respondent committed any violation of sex discrimination under Title IX, the Title IX Coordinator will be informed and, if necessary, to the legal division of Mech Tech College/Mech Tech Institute.

Once the Title IX Coordinator and/or the institution's legal division make their recommendations, the complaining party will be notified of the determination. If the complainant agrees with the decision, the discriminatory complaint filed will be closed and archived.

If either party disagrees with the decision, they may file a signed written Appeal (form MTC-TITLE IX-004 or MTI-TITLE-IX-004) within a period of no more than 5 business days from receipt of the decision/determination.

#### **IX. Determinations to Dismiss an Alleged Discriminatory Complaint.**

An alleged discriminatory complaint may be dismissed during the evaluation process or during the early stages of the investigation, when sufficient evidence has been obtained to determine any of the following:

1. In the event that the allegations have been resolved under other forums, whether judicial or state or municipal authorities.
2. When the allegations have been previously heard and closed by local or federal authorities.
3. When sufficient credible information is obtained indicating that the allegations have been previously resolved.

#### **In addition, Mech Tech College/Mech Tech Institute may dismiss a complaint of sex-discrimination if:**

- Mech Tech College/Mech Tech Institute, is unable to identify the defendant after taking the reasonable steps to identify so.
- The defendant is not participating in Mech Tech College / Mech Tech Institute educational program or activity and is not employed by Mech Tech College / Mech Tech Institute.
- The complainant voluntarily withdraws any or all of the allegations in writing in the complaint, the Title IX Coordinator declines to initiate a complaint, and Mech Tech College / Mech Tech Institute determines that without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven.
- Mech Tech College / Mech Tech Institute determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Mech Tech College / Mech Tech Institute will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal Mech Tech College / Mech Tech Institute will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the defendant has been notified of the allegations, then Mech Tech College / Mech Tech Institute will notify the defendant of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

**In the event that a complaint is dismissed, Mech Tech College / Mech Tech Institute may offer at a minimum:**

- Offer supportive measures to the complainant, as appropriate.
- If the defendant has been notified of the allegations, offer supportive measures to the defendant, as appropriate.
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator, to ensure that sex discrimination does not continue, or recur within a Mech Tech College / Mech Tech Institute education program or activity.

**X. Possible Title IX Sanctions, in Case of Positive Determination of Sex Discrimination.**

In the event that a complaint is referred for adjudication, it may be recommended to the President or the Operations Manager that action or sanctions be taken to reduce the risks of violations of the provisions of Title IX.

Among the disciplinary measures or sanctions to be taken, but not limited to the following:

Students: (these sanctions seek to make the student aware of their actions)

- Verbal or written reprimand with a copy of the file.
- Suspension for a certain period of time without the right to replace the material lost during the suspension.
- Restraining order or Cease and Desist.
- Expulsion without the possibility of being reinstated.
- Prohibition to access the premises.
- Elimination of privileges of the use of internet in the institution, among others.
- Letter of Apology
- Prohibition of being in specific areas of the institution or at certain times, as well as in activities inside and outside the institution.

Employees: (Employee Handbook describes disciplinary sanctions)

Independent Contractor (includes Faculty), consultants and Suppliers:

- Separation of the person from the institution.
- Termination of the contract without the possibility of rehiring.
- Suspension of employment with or without pay for a certain period of time.
- Prohibition of being in specific areas of the institution or at certain times, as well as in activities inside and outside the institution.

Visitors:

- Will be informed that needs to withdraw from the institution permanently, as well as the termination of any privileges.
- Prohibition of entry to the institution or activities, inside or outside the institution.

#### **XI. Title IX Disciplinary Committee**

If it is necessary to convene a Disciplinary Committee, it may be composed of 3 or more of the following:

1. Title IX Coordinator
2. Vice President of Administration and Human Resources
3. Vice President of Student Affairs or Representative
4. Counselor
5. Mech Tech College / Mech Tech Institute Campus Director
6. Mech Tech College/Mech Tech Institute Attorneys

#### **XII. The Process of Holding a Title IX Committee**

The process of holding a Title IX committee guarantees everyone involved the following rights, except in cases of default:

- Attend accompanied by representative of your choice this can also be a lawyer.
- Be present and examine any evidence that is presented.
- Submit any evidence or documentation regarding the complaint.

The Title IX committee process, if necessary, may only be recorded by the Title IX Coordinator or the investigator. A recording not authorized in writing by the Title IX Coordinator shall have no effect whatsoever in any other forum. During the Title IX Committee process, the Coordinator or investigator shall ensure that the proceeding is conducted in an orderly manner and in an atmosphere of respect and shall have the authority to request any person who fails to maintain the atmosphere of respect and order to leave the place where the hearing is being held.

During the process conducted by the Committee, only the parties involved and their representative will be allowed to attend.

Once the process is concluded, the Title IX Coordinator or the designated decision-maker will issue his or her decision within a period of no more than thirty (30) calendar days, beginning from the date of conclusion of the Title IX committee.

**XIII. The Title IX Coordinator Report MTC-TITLE IX – 005 / MTI – TITLE IX – 005 Investigation Evaluation to Adjudicate the Complaint contains three parts:**

- Complainant and Defendant Information
- Research Evaluation
- Decision

The possible non-exhaustive sanctions to be imposed, but are not limited to, are established by the Institution and available in the manuals as appropriate:

- a. Personnel Regulations
- b. Faculty Manual
- c. Student Regulations

**XIV. Process to Appeal a Determination:**

The appeal process applies to any of the parties involved if they do not agree with the decision and meet the parameters established below, you must file a written appeal using the form MTC – TITLE IX - 004 / MTI - TITLE IX - 004 Appeal Form and within a period not exceeding five (5) business days from the notification of the committee's decision.

**Appeal Process:**

Mech Tech College/Mech Tech Institute offer the following process for appeals from a determination whether sex discrimination occurred and if the sex discrimination occurred by following reasons:

- Irregularity in the process, which would change the result.
- For new evidence that may change the final result, which was not reasonably available when the determination was made.
- If the Title IX Coordinator, the investigator, or the person in charge of making the decision, has a conflict of interest or prejudice toward the complainant or the respondent.

**XV. Title IX Forms Available:**

1. MTC-TITLE IX-001 Report of Discriminatory Complaint
2. MTC-TITLE IX-002 Research Form
3. MTC-TITLE IX-003 Complaint Resolution Without Committee
4. MTC-TITLE IX-004 Appeal Form
5. MTC-TITLE IX-005 Investigation Evaluation to Adjudicate Complaint

For the Orlando Campus, forms begin with the letters MTI.

Example: MTI-TITLE IX-001.



## **XVI. Agencies that Attend Sexual Aggression Victims**

Emergencies: Call 911

Other Agencies:

Victim Service Center of Central Florida 24/7 Hotline (407) 497 – 6701

Orange County Domestic Violence Task Force 24/7 Hotline (407) 823 – 1200

Hospital / Emergency Facility, closest to Mech Tceh Institute:

Orlando Health Emergency Room & Medical Pavilion – (321) 842 - 1270

## **XVII. References:**

### **1. U.S. Department of Education:**

[https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

### **2. U.S. Department of Education:**

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

<https://www2.ed.gov/about/offices/list/ocr/docs/resource-nondiscrimination-policies.pdf>

### **3. U.S. Department of Education:**

Pregnant or Parenting? Title IX Protects You from Discrimination at School

<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>

### **4. U.S. Department of Education:**

FACT SHEET: U.S. Department of Education’s 2024 Title IX Final Rule Overview

<https://www2.ed.gov/about/offices/list/ocr/docs/t9-final-rule-factsheet.pdf>

### **5. U.S. Department of Education:**

Title IX NFR - Unofficial Version

<https://www2.ed.gov/about/offices/list/ocr/docs/t9-unofficial-final-rule-2024.pdf>