



TITLE IX POLICIES

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TITLE IX NOTICE OF NONDISCRIMINATION

Lynnes Welding Training does not discriminate on the basis of sex in its education programs or activities and is committed to ensuring an educational environment free of sexual harassment, including sexual violence, and to full compliance with Title IX of the Education Amendments Act of 1972 and other federal and state laws governing such conduct.

The following individuals have been designated as the Title IX Coordinators by LWT to handle inquiries regarding LWT's Title IX policies, including receiving and responding to the information about any incident of sex discrimination:

Jessica Johnson
Director of Admissions
2717 3rd Ave North
Fargo, ND 58102
701-373-0658

jessica@learntoweld.com

Rhonda Klocke
Administration, Admissions
4329 Centurion Dr. Unit 9
Bismarck, ND 58504
701-751-4256

rhonda@learntoweld.com

Information regarding sexual discrimination, including sexual harassment or sexual violence, may also be reported by anyone to: U.S office for Civil Rights by email at ocr@ed.gov or at the addresses provided at the following website:

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

“Sexual harassment” is defined as an 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 school's education program or activity. Quid Pro Quo Harassment is unwelcomed sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature that may constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an evaluation of a student's academic performance or a term or condition of participation in student activities or in other events or activities sanctioned by LWT.
- Submission to or rejection of such conduct by an individual is used as the basis for academic decisions or other decisions about participation in student activities or other events or activities sanctioned by LWT; or
- Such conduct otherwise has the purpose or effect of threatening an individual's academic performance; or creating an intimidating, hostile, or offensive educational environment.

Forms of sexual harassment include, but are not limited to, sexist remarks or behavior, constant offensive joking, sexual looks or advances, repeated requests for dates, unwelcome touching, and promise of reward for sexual favors. Students, faculty, or staff who experience sexual harassment should be encouraged to make it clear to the alleged offender that such behavior is offensive. However, failure to comply with this provision does not defeat the institute's obligation to investigate the incident and take appropriate steps if sexual harassment has occurred.

- **Definition of Sexual Assault/Violence** is the physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.
- **Definition of Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- **Definition of Domestic Violence** is an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or

threatened act of violence against a family or household member by a family or household member.

- **Definition of Stalking** is one person's harassing, obsessive, or threatening behavior towards another person. Any unwanted repetitive contact between alleged stalker and victim that threatens or places fear in that person.

Sexual violence includes, among other conduct, domestic violence, dating violence, sexual assault, and stalking. These acts will not be tolerated at LWT as such acts are inappropriate and create an environment contrary to the goals and mission of LWT. Any such acts will be thoroughly investigated and will subject an individual to appropriate disciplinary sanctions and/or possible action by appropriate law enforcement agencies.

It is the responsibility of all persons within LWT to work to ensure an educational environment free from sex discrimination. Violations of this policy may be grounds for disciplinary action under LWT policies and procedures.

All students and staff of LWT are expected to report incidents of sexual discrimination (including sexual harassment or sexual violence) to a Title IX Coordinator.

Statement of Policy: Education Programs to Promote Awareness of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

Lynnes Welding Training educates the incoming and current student and new employee's about sexual violence, violence prevention, and all relevant LWT policies and procedures during all orientations held for new and current students at the onset of a class and at least annually. Each student will be required to watch a Title IX video, take a quiz, and pass prior to orientation.

In addition, LWT conducts new and current employee training on these topics annually. A Title IX Coordinator is responsible for training all LWT current students and employees about LWT's policies regarding sexual violence and for conducting the new student and employee training.

The new and current employee and student training sessions include:

- A statement that LWT prohibits crimes of dating violence, domestic violence, sexual assault, and stalking;
- The definitions of those crimes under federal and state law;
- Information contained in LWT's policies and procedures related to preventing, reporting, and responding to sexual offenses, including disciplinary procedures and victim rights
- Employees will be required to watch Title IX video, take a quiz, and pass.

Local Sexual Abuse Awareness resources:

Fargo, ND Location: Rape and Abuse Crisis Center

<https://www.raccfm.com/>

317 8th St N, Fargo, ND

701-293-7273

800-344-7273

The Village Family Service Center

<https://www.thevillagefamily.org/>

1201 35th St. S, Fargo, ND

701-457-4900

800-627-8220

Bismarck, ND Location:

The Village Family Service Center

<https://www.thevillagefamily.org/>

107 West Main Ave. Suite 350

Bismarck, ND 58504

701-255-1165

Abused Adult Resource Center

<http://www.abusedadultresourcecenter.com/>

218 W Broadway Ave

Bismarck, ND 58502

Ramsey, MN Location:

SOS Sexual Violence Services

<https://www.ramseycounty.us/residents/health-medical/clinics-services/sos-sexual-violence-services>

651-266-1000

Minnesota Coalition Against Sexual Assault (MNCASA)

<https://www.mncasa.org/find-help/>

1-800-656-HOPE

Title IX Officers:

Title IX Coordinators:

Fargo:

Jessica Johnson

Director of Admissions

2717 3rd Ave North

Fargo, ND 58102

701-373-0658

jessica@learntoweld.com

Bismarck:

Rhonda Klocke

Administration, Admissions

4329 Centurion Dr. Unit 9

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701-751-4256

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Investigator:

Adam Lynnes

1330 Page Dr. S Ste. 201

Fargo, ND 58103

701-893-2295

adam@learntoweld.com

Advisor:

TBD

Decision Maker:

Dave Lynnes

1330 Page Dr. S Ste. 201
Fargo, ND 58103
701-893-2295
dave@learntoweld.com

Appellate Decision Maker:

Dave Lynnes
1330 Page Dr. S Ste. 201
Fargo, ND 58103
701-893-2295
dave@learntoweld.com

Title IX Coordinator Training:

Max Knowledge:

CM140-Title IX and VAWA Training: Building Safer Campuses

CM142-Title IX and

OCR Webinar: Title IX Regulations Addressing Sexual Harassment

OCR Webinar: on New Title IX Protections Against Sexual Assault

OCR Webinar: on Due Process Protections Under the New Title IX Regulations

Conducting and Adjudicating Title IX Hearings: An OCR Training Webinar

The Truth on Title IX: Cross Examination

Title IX For Career, Technical & Trade Schools: The New Role of the Title IX Coordinator

Presented by Edward Cramp & Jessica High, Higher Education Practice Group

Investigator Training:

Advisor Training:

Decision Maker Training:

Conducting and Adjudicating the Title IX Hearings: An OCR Training Webinar

Appellate Decision Maker Training:

Conducting and Adjudicating the Title IX Hearings: An OCR Training Webinar

Statement of Policy: Location of Sexual Harassment Incident

Title IX Covers sexual harassment that happens in a school's education program or activity on campus or off campus. This includes locations, events, and circumstances where a school event is taking place, such as a field trip for a shop tour.

Title IX Covers sexual harassment that happens at an off campus non-school related activity but is causing a hostile environment at the school.

Statement of Policy: Notice of sexual harassment

LWT has knowledge of a sexual harassment or alleged sexual harassment incident the moment LWT is notified. Any person, whether the alleged victim or a parent, friend, or bystander has the right to report sexual harassment to put the school on notice. If LWT staff were to witness the sexual harassment that is when LWT is on notice.

Notice can be given to LWT verbally or written.

Statement of Policy: How to Notify LWT of Title IX Incident

A victim, parent, friend, or bystander may put LWT on notice of a Title IX Incident verbally or written at any time. Verbally or written during school hours 8am-4:30pm Monday thru Friday or written via email 24hrs a day 7 days a week sent to jessica@learntoweld.com. Once LWT is put on notice verbally LWT staff will have the person put it all in writing.

Notifying LWT of an alleged Title IX Incident does not always mean the complainant is filing a formal complaint. Once the victim files a formal complaint that is when the grievance process will begin. In some instances where an alleged victim decides not to file a formal complaint the Title IX Coordinator may initiate grievance procedures where discipline is appropriate.

Statement of Policy: Who to Inform of the Title IX Incident

A victim, parent, friend, or bystander may alert any staff member at LWT. That staff member will notify the Title IX Coordinator.

Statement of Policy: How to File a Formal Complaint

To file a formal complaint the victim or representative of the victim will need to fill out a Complaint Form. This form will be supplied to the victim or representative of the victim by the Title IX Coordinator.

Statement of Policy: Sanctions and Protective Measures

Following a final determination of LWT's institutional disciplinary proceeding regarding domestic violence, dating violence, sexual assault, or stalking, LWT may impose the following sanctions on the perpetrator and protective measures from the complainant:

1. Sanctions

Sanctions that may be imposed by LWT include, but are not limited to:

- a. Written warning;
- b. Changes in academic arrangements;
- c. Termination.

LWT has flexibility in the type and range of sanctions to impose on the perpetrator depending on the severity of the incident but has a process in place to ensure that sanctions imposed are consistent with sanctions imposed in past incidents of similar conduct and are not imposed unequally based on gender or gender identity.

2. Protective Measures

Protective measures that the school may utilize to protect the complainant include, but are not limited to:

- a. Changes to academic situations;
- b. Providing an escort to ensure that the complainant can move safely on campus;
- c. Ensuring the complainant and perpetrator are not in the same classroom and do not have welding booths close together.

- d. Providing resources for comprehensive, holistic victim services including medical, counseling, and academic support services, such as tutoring; or
- e. Arranging for the complainant to have extra time to complete class work or withdraw without an academic or financial penalty.

When determining what protective measures to establish, LWT will consider a number of factors including the specific needs and requests expressed by the complainant; the age of the students involved; the severity or pervasiveness of the conduct; any continuing effects on the complainant; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

Statement of Policy: Sexual Violence-Victim Procedures

If you are a victim of sexual violence, including sexual violence, dating violence, domestic violence, or stalking, your first priority should be to get to a place of safety. You should then obtain any necessary medical treatment. Information about the alleged offense should be provided to an LWT Title IX Coordinator as soon as possible. Time is a critical factor for evidence collection and preservation.

LWT strongly advocates that a victim of sexual violence reports the incident to police in a timely manner and, if requested to do so by the victim, LWT's Title IX Coordinator will assist the victim in contacting the police. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from the officers. The victim has the right at all times to decline to notify police of the incident.

Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- Provide the opportunity for collection of evidence helpful in prosecution or establishing a no contact order, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- Assure the victim has access to confidential counseling from counselors specifically training in the area of sexual assault crisis intervention.

When a victim contacts the Police Department, the local Police Sex Crimes Unit will typically be notified as well. The victim may choose for the investigation to be pursued through the criminal justice system. The Title IX Coordinator will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available through the Rape and Sexual Abuse Center in Fargo, The Abused Adult Resource Center in Bismarck, and The Village Family Service Center in Fargo and Bismarck.

Fargo Police Department

Non-emergency 701.253.4493

Emergency 911

Headquarters: 222 4th St. N., Fargo, ND 58102

Substation: 1230 25th St. S., Fargo, ND 58103

Burleigh County Sheriff's Department

Non-emergency 701-222-6651

Emergency 911

514 Thayer Ave, Bismarck, ND 58501

Ramsey Police Department
Non-emergency 763-427-6812
7550 Sunwood Dr. NW
Ramsey, MN 55303

Statement of Policy: Employee and Student Training

The Title IX Coordinator will go over our policies with the students during orientation. Students will also be sent a link for a Title IX Training to watch, take a quizzes, and pass within the first couple weeks of class.

Each staff and faculty member will receive LWT's Notice of Nondiscrimination; LWT's Campus Security, Drug & Crime, and Fire Statistics; and Title IX Policies and Procedures each year via email. Staff and faculty will also be required to sign an agreement form stating they received these documents.

New hires will receive LWT's Notice of Nondiscrimination; LWT's Campus Security, Drug & Crime, and Fire Statistics; and Title IX policies and Procedures. New hires are required to sign an agreement form stating they received the documents.

Each staff member is required to watch the Title IX Training, take a quizzes, and pass.

Statement of Policy: Procedures for Disciplinary Action in Cases of Sexual Violence

LWT's Title IX Coordinators have primary responsibility for receiving, evaluating, and investigating allegations of sexual violence, including alleged domestic violence, dating violence, sexual assault, and stalking. The Title IX Coordinators are responsible for informing the President of LWT within 24hrs.

The Title IX Coordinators have primary responsibility for ensuring that any disciplinary proceeding involving an allegation of sexual violence is conducted promptly, fairly, and impartially and in accordance with these and other related institutional procedures.

Please see Grievance Policy

Statement of Policy: Protection of Confidentiality of Victim of Sexual Violence

There are no pastoral or professional counselors on campus. Confidential crisis, mental health, and victim resource hotline numbers are posted on campus as well as listed in the Course Catalog, should students need to contact these agencies. Victims of sexual violence reported to the Title IX Coordinator will be provided with information regarding local rape crisis centers and other counseling services.

Reports about sexual violence or other crimes may be provided informally and in confidence to one of LWT's Title IX Coordinators, who will make every attempt to maintain privacy of the information in accordance with your request and Family Educational Rights and Privacy Act of 1974 (FERPA) regulations unless LWT is under an obligation to disclose your identity to protect the safety of others. You will be informed if LWT cannot maintain the requested confidentiality of the information.

LWT strongly encourages persons who are victims of sexual violence who do not want to report the incident to police or file a complaint using LWT's institutional procedures to report the incident to the Title IX Coordinator voluntarily and on a confidential basis solely to permit the inclusion of that information in LWT's annual crime statistics. With such information, LWT can keep an accurate record of the number of similar incidents, 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. LWT will make best efforts to maintain the privacy of that information and to comply with FERPA.

LWT is required to, and will, keep the identity of victims of sexual violence private in any public report of Clery Act crimes. Reporting to the institution will also enable the victim to receive protective measures. At the victim's request, LWT will maintain as confidential any protective measures provided to the victim, to the extent that making such information confidential does not impair the ability of the institution to provide those protective measures. The victim will be informed by the institution if providing a protective measure may reveal the identity of the victim.

LWT encourages reporting of sexual violence to the police. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- Assure the victim has access to confidential counseling from counselors specifically training in the area of sexual assault crisis intervention.

Police reports are public records under state law, and therefore LWT cannot guarantee the absolute confidentiality of reports of crime obtained from police records but will make every effort to maintain the confidentiality of such information to the greatest extent permitted by law.

Statement of Policy: Victim Support Services

Once the Title IX Coordinator receives a report of sexual violence, the Title IX Coordinator will provide the individual making the report with written information regarding existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both on campus and in the community.

Fargo, ND Location: Rape and Abuse Crisis Center

<https://www.raccfm.com/>

317 8th St N, Fargo, ND

701-293-7273

800-344-7273

The Village Family Service Center

<https://www.thevillagefamily.org/>

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Bismarck, ND 58504

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Bismarck, ND 58502

Ramsey, MN Location:

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<https://www.ramseycounty.us/residents/health-medical/clinics-services/sos-sexual-violence-services>

651-266-1000

Minnesota Coalition Against Sexual Assault (MNCASA)

<https://www.mncasa.org/find-help/>

1-800-656-HOPE

Statement of Policy: Non-Title IX Misconduct

Any non-Title IX Misconduct will fall under LWT's Code of Conduct Policy

Statement of Policy: Interim Measures

Within 24 hours of a Title IX Coordinator receiving a report of sexual violence, the Title IX Coordinator will provide written notification to the victim about options for, and available assistance in, changing academic situations, if so, requested by the victim and if such accommodations are reasonable available, regardless of whether the victim chooses to report the crime to the local law enforcement. Title IX Coordinator will remind the victim that he/she has the right to report the incident to the law enforcement and encourage it. These supportive measures must be offered even if a formal complaint is not filed.

Statement of Policy: Rights and Options of Victims of Sexual Violence

Within 24 hours of a Title IX Coordinator receiving a report of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student's or employee's rights and options. That notice will contain the following information:

This document outlines your rights under Title IX. You may have additional rights under the federal and state laws. Title IX of the Education Amendments of 1972 prohibits sex discrimination-which includes sexual violence-in education programs and activities. All public and private schools, school districts, colleges, and universities receiving federal funds must comply with Title IX. If you have experiences sexual violence, here are some things you should know about your Title IX rights:

Your School Must Respond Promptly and Effectively to Sexual Violence

- You have the right to report the incident to your school, have your school investigate what happened, and have your complaint resolved promptly and equitably.
- You have the right to choose to report an incident of sexual violence to campus or local law enforcement, but a criminal investigation does not relieve your school of its duty under Title IX to respond promptly and effectively.
- Your school must adopt and publish procedures for resolving complaints of sex discrimination, including sexual violence. Your school may use student disciplinary procedures, but any procedures for sexual violence complaints must afford you a prompt and equitable resolution.
- Your school should ensure that you are aware of your Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance.

- Your school must designate a Title IX coordinator and make sure all students and employees know how to contact him or her. The Title IX coordinator should also be available to meet with you.
- All students are protected by Title IX, regardless of whether they have a disability, are international or undocumented, and regardless of their sexual orientation and gender identity.

Your School Must Provide Interim Measures as Necessary

- Your school must protect you as necessary, even before it completes any investigation. Your school should start doing this promptly once the incident is reported.
- Once you tell your school about an incident of sexual violence, you have the right to receive some immediate help. When taking these measures, your school should minimize the burden on you.
- You have the right to report any retaliation by school employees, the alleged perpetrator, and other students, and your school should take strong responsive action if this occurs.

Your School Should Make Known Where You Can Find Confidential Support Services

- Your School should clearly identify where you can go to talk to someone confidentially and who can provide services like advocacy, counselling, or academic support. Some people, such as counselors or victim advocates, can talk to you in confidence without triggering a school's investigation. Because different employees have different reporting obligations when they find out about sexual violence involving students, your school should clearly explain the reporting obligations of all school employees.
- Even if you do not specifically ask for confidentiality, your school should only disclose information to individuals who are responsible for handling the school's response to sexual violence. Your school should consult with you about how to best protect your safety and privacy.

Your School Must Conduct an Adequate, Reliable, and Impartial Investigation

- You have the right to be notified of the time frames for all major stages of the investigation.
- You have the right to present witnesses and evidence.
- If the alleged perpetrator is allowed to have a lawyer, you have the right to have one too.
- Your school must resolve your complaint based on what they think is more likely than not to have happened (this is called a preponderance-of-the-evidence standard of proof). Your school cannot use a higher standard of proof.
- You have the right to be notified in writing of the outcome of your complaint and any appeal, including any sanctions that directly relate to you.
- If your school provides for an appeal process, it must be equally available for both parties.
- You have the right to have any proceedings documented, which may include written findings of fact, transcripts, or audio recordings.
- You have the right not to "work it out" with the alleged perpetrator in mediation. Mediation is not appropriate in cases involving sexual violence.

Your School Must Provide Remedies as Necessary

- If an investigation reveals that sexual violence created a hostile environment, your school must take prompt and effective steps reasonable calculated to the end the sexual violence, eliminate the hostile environment, prevent its recurrence, and as appropriate, remedy its effects.

- Appropriate remedies will generally include disciplinary action against the perpetrator but may also include remedies to help you get your educations back on track (like academic support, retaking class without penalty, and counseling). These remedies are in addition to any interim measures you received.
- Your school may also have to provide remedies for the broader student population (such as training) or change its services or policies to prevent such incidents from repeating.

If you want to learn more about your rights, or if you believe that your school is violating federal law, you may contact the U.S. Department of Education, Office for Civil Rights, at 800.421.3481 or ocr@ed.gov. If you wish to fill out a complaint form online, you may do so at <http://www.ed.gov/ocr/complaintintro.html>.

Statement of Policy: Obtaining local Sex offender registration information

In compliance with 34 CFR 668.46 (b) (12) follow these directions to obtain local sex offender registrants.

- www.cityoffargo.com
 - Click on City & Government
 - Click on police
 - Click on Police Records & Data
 - Click on Sex Offenders
 - Here you can search all offenders, detailed list or High Risk Offenders, and map of offenders near.
- www.cityofmoorhead.com
 - Click on departments
 - Click on Police
 - Click on Crime Prevention & Safety
 - Click on Predatory Offenders
 - There are names listed there
 - Click on the link Minnesota Department of Corrections Website link to obtain the names of all Minnesota Level III offenders. By Minnesota Law only the Level III Offenders are public information
- www.bismarcknd.gov
 - Hover cursor over Government
 - Click on police
 - Scroll down, blue rectangle on the right side of the screen labeled “Sex Offenders”
 - Click on Sex Offender Public Notification Release of Information List
- <https://coms.doc.state.mn.us/publicregistrantsearch>
 - Select a Search Method: City, County, Name or Zip Code
 - Or, click to view all registrants subject to public notification currently living within MN Communities
 - Or, click to view registrants subject to public notification whose address is currently unknown

Statement of Policy: Emergency Evacuation Response

In the event of an emergency at our Fargo location students are to evacuate the building immediately and meet in the parking lot across the street to the south of the front doors.

In the event of an emergency at our Bismarck location students are to evacuate the building immediately and meet in the Northwest parking lot by the fence.

Please see LWT Safety Policy Manual for more Safety and Evacuation Procedures.

Statement of Policy: Safety and Security Reporting

Institutions of post-secondary education that participate in the Federal student financial assistance programs have been required by section 485(f) of the HEA of 1965 to provide the Secretary with campus crime statistics, including fire statistics.

All statistics are gathered for the prior year with assistance from the Fargo Police Crime Statistics Department. The statistics are gathered by Title IX Coordinator Jessica Johnson and submitted, according to the law, by October 1st on the website <https://surveys.ope.ed.gov/campussafety>.

Statement of Policy: Record Keeping

Record Keeping extends for 7 years which includes:

1. Records of LWT's investigations
2. Records of any appeal and the materials associated with an appeal
3. Records of any informal resolution process
4. All materials used to train Title IX Coordinators, Investigators, Decision Makers, Advisors, and any person who facilitates an informal resolution. These materials also have to be posted on a recipient's website or made available for public inspection if the recipient doesn't have a website.
5. Records of the supportive measures that they took in response to a report or complaint of sexual harassment.

Statement of Policy: Retaliation

LWT or person is not allowed to retaliate against anyone for exercising rights under Title IX. Any person retaliated against can file a complaint with LWT. LWT will complete a prompt and equitable resolution of the complaints. If the complaints are found to be valid the person committing the retaliation may be subject to a written warning, suspension, or termination. Measures will be taken to protect the victim of the retaliation, such as altering lunch time, break times, and possible moving the retaliator into the other classroom. LWT will keep the identities of parties and witnesses confidential unless disclosure of someone's identity is required under other law or is necessary in order to conduct the grievance process.

It is not retaliation for LWT to punish someone for making a bad faith, materially false statement during a Title IX grievance process, LWT cannot draw a conclusion of bad faith based on the outcome of the case.

Engaging in protected speech under the First Amendment never constitutes retaliation.

When OCR investigates a school for possible Title IX violations, OCR will never view a school's attempt to suppress free speech as an appropriate response to sexual harassment.

Statement of Policy: 3rd Party

Title IX Policies protect students and staff of LWT from any form of sexual harassment from a 3rd Party. This could be from someone who comes into LWT or from someone when a student or staff is off campus on a school function. Please follow the Grievance Policy.

Grievance Policy:

LWT's Grievance Procedure does not discriminate on the basis of sex.

Upon LWT being Notified of an alleged Title IX Sexual Harassment Incident and the victim filing a formal complaint or the Title IX Coordinator initiating an investigation the following actions will occur:

- A copy of these procedures given to the complainant
- Information on counseling, health, mental health, victim advocacy, student financial aid, and any other services available to the victim at LWT or in the community
- Information on the victim's right to report the incident to local police and the fact that LWT's institutional investigation and disciplinary procedure and any criminal proceeding may occur simultaneously; and
- Options to facilitate changes to academic situations or additional protective measures, if requested, while the investigation is pending, even if the victim chooses not to report the crime to the police.
- information on how to file a formal complaint,
 - A formal complaint must be signed by the complainant or the Title IX Coordinator. The Title IX Coordinator may initiate an investigation if the complainant wishes not to proceed if one of the following is present: threat, minors, violence/weapon, a pattern. The complainant must be notified that an investigation is going to be initiated and LWT must offer the complainant supportive measures.
- and ensure the complainant that his/her identity is kept confidential
- Supportive measures available to the complainant and the respondent may include
 - Moving one party to the opposite classroom
 - Providing different break and lunch times for both parties
 - Moving one or both parties welding booth and locker assignments so they are not close by each other
- The complainant and the respondent do have the right to engage in an informal resolution, as long as it is voluntary. This informal resolution will take place between the two parties with the Title IX Coordinator and the investigator, who will act as the facilitators who are free from conflicts of interest or bias, in the room. This informal resolution will be documented, and all parties will sign off on the final resolution. There is one exception, an informal resolution may not occur when the respondent is an employee of LWT.
- LWT reserves the right to remove a respondent from their education program if the respondent poses an immediate threat to anyone's physical health or safety. If the respondent is a LWT employee LWT may place that employee on administrative leave during the investigation if needed.
 - If the respondent is to be dismissed from his/her education program he/she must be informed in writing and given the chance to challenge it. If he/she is going to challenge it the CEO and CFO will make an unbiased decision on the outcome of the challenge.
- Mandatory Dismissal of a Formal Complaints include the following situations:
 - That does not describe conduct that meets the definition of sexual harassment.
 - The alleged sexual harassment that did not occur in the school's education program or activity.
 - The alleged sexual harassment did not occur in the United States at all.

- Discretionary Dismissals of a Formal Complaint or some of the allegations in it are:
 - If the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or some of its allegations.
 - If the respondent is no longer enrolled or employed by the school
 - If specific circumstances prevent the school from gathering evidence sufficient to reach a determination about the allegations.
- When LWT dismisses a formal complaint or any allegations in it, the school has to promptly send written notice of the dismissal and the reasons to the parties. Both parties have the right to appeal a school's dismissal decision.
- Title IX Coordinator will inform in writing, at the same time, to the complainant and respondent of the allegations, that a formal complaint has been filed, let each party know they are entitled to an adviser of their choice, both parties can request to inspect and review certain evidence, and that an investigation has been initiated. The notice will also include a statement that the respondent will be presumed not responsible so that any finding of responsibility only comes at the conclusion of the grievance process.
- A notice has to be provided to the parties before an initial interview with the respondent. This notice has to give the parties sufficient time for the respondent to prepare.
- The Resolution timeframe of a formal complaint will be completed in a reasonable time frame. Temporary delays are permitted for a good cause such as law enforcement activities, absence of a party or witness, the absence of a party's advisor of choice, or the need to provide language assistance or accommodations of disabilities. Due to the shorter length of programs at LWT a final determination should be made within 4 weeks of the formal complaint.
- The decision maker will make the final determination and when deciding LWT will use the **clear and convincing evidence standard** in all cases.
- The Investigator will request statements of the alleged incident from the complainant, respondent, and any witnesses involved.
- The Investigator will also request any evidence to be brought forth from any party that would be pertinent to the investigation.
- Information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, cannot be used during an investigation unless the person holding that privilege has waived it. Neither party, nor the school, is allowed to seek, permit questions about, or allow the introduction of evidence that is protected by a recognized privilege. Individuals can always opt to waive their own privileges, if they want, but they do not have to.
- When the Investigator is evaluating all evidence brought forward, he/she must be objective. Credibility determinations cannot be made on the basis of a person's status as a complainant, respondent, or witness.
 - Credibility cannot be challenged because of lack of physical resistance, delayed reporting, because the alleged assault involved someone they knew, because of their sexual past, or because of inconsistent or untrue statements.
 - LWT is required to give both parties 10 days to respond to the evidence in writing.
- Once the investigator has completed the investigation the investigator and the Title IX Coordinator will prepare an investigative report on the allegations, before preparing an investigative report the investigator must take into consideration the responses to evidence. Once the report is finalized the report will be provided to the parties. LWT is required to give each party another 10 days to respond to the report before a hearing can take place.

- Prior to the hearing both complainant and the respondent will be notified of the date, time, and who will be on the panel that will be assisting the decision maker in the final determination. If either party has an issue with one of the panel members they can ask that person be removed or replaced with another person. Each party will be given the opportunity to review the evidence obtained as part of its investigation. Evidence may be sent hard copy or electronically.
- The complainant and the respondent are encouraged and allowed to have an advisor with them during the hearing to question and cross-examine any witnesses. The complainant and the respondent are not allowed to personally question or cross-examine anyone.
- Questions and Cross-examination questions must be relevant, and decision-maker(s) must decide if the question is relevant BEFORE the party or witness has to answer it.
 - The only time questions regarding complainant's prior sexual history is when the respondent is trying to prove consent or that another party was responsible for the allegations.
- If the complainant or the respondent are unable to attend in person accommodations will be made for the party to attend remotely.
- If one party requests it, the entire hearing must be held with the parties located in separate rooms, with technology enabling everyone to see and hear each other. LWT plans to utilize TEAMS for hearing proceedings that are all virtual. TEAMS has the ability for everyone to see and hear one another and record the proceedings.
- All hearing proceedings will be live, video taped and recorded.
- If a party shows to the hearing without an advisor LWT is required to provide the party with an advisor, solely for the purpose of cross-examining witnesses on the party's behalf. The advisor chosen does not need to be a lawyer.
- LWT's decision maker will objectively evaluate the relevant evidence and reach a conclusion about where the respondent is responsible for the alleged sexual harassment. The decision maker cannot be the same person who conducted the investigation and cannot be the school's Title IX Coordinator.
- Once a determination is made the complainant and respondent will both be notified in writing at the same time. This determination must include:
 - The portion of the school's policies that was violated
 - A description of the procedural steps that were taken by the school on the way to getting to the point
 - A findings of fact section
 - A section that draws conclusions after applying the facts to the portion of the school's policy that applies.
 - A statement and rationale for the ultimate determination of responsibility
 - Any disciplinary sanctions that the school will impose on the respondent, and state whether the school will provide remedies to the complainant.
 - A statement and rationale for any remedies for the complainant, addressing how those remedies will restore or preserve equal access.
 - A statement of the recipient's procedures, a statement that the parties have a right to appeal the initial determination regarding responsibility, and the permissible bases for appeal.
- If either the complainant or the respondent wishes to appeal the final determination, they may do so by filing a formal appeal request in writing to the Title IX Coordinator at LWT within 3 business days. This information will be included in the written final determination notice. The appeal decision maker will evaluate if the appeal request is reasonable. Both parties will be

notified in writing of the decision by the appeal decision maker. A hearing will be set up along with a panel. This hearing will be video taped and recorded, same as the prior hearing. The appealing party will give their statement on why they are appealing, with evidence, and the other party will have time to rebuttal. Once the decision maker has made the final determination each party will be notified in writing. This will be the final determination. LWT allows only one appeal.

- Grounds for Appeal can be the following:
 - A procedural irregularity affected the outcome of the matter.
 - New evidence has been discovered that was not reasonable available at the time of the determination on responsibility or dismissal.
 - A conflict of interest on the part of a Title IX Coordinator, investigator, or a decision maker, and the conflict of interest affected the outcome
- A decision is final if either the parties do not appeal or at the conclusion of the appeal if filed and accepted.
- If the respondent is found responsible disciplinary sanctions that could occur may be a written warning, changes in academic arrangements, or termination.
- The Title IX Coordinator is responsible for carrying out the remedies contained in the written decision.
- During this investigation the Title IX Coordinator, Investigator, and Decision Maker must not have any bias or conflict of interest. These individuals must also be trained and be able to serve impartially. Along with being training on Title IX issues they must be trained on technology that will be used during a hearing.