



**National Aviation**  
**ACADEMY**

**TITLE IX POLICY**  
**AND**  
**PROCEDURE**

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# **NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

## Policy Statement

National Aviation Academy (“NAA”) is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. NAA considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated.

Sexual harassment (as defined on page 3), whether verbal, physical, or visual is inconsistent with the expectations of NAA and may constitute a form of sex discrimination prohibited by this policy. Sexual harassment also includes Sexual Violence/Assault (as defined on page 4). Examples of specific conduct that constitutes Sexual Harassment and Sexual Violence/Assault are set forth herein.

## Title IX Statement

As a recipient of federal funds, National Aviation Academy and National Aviation Academy of New England is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (“Title IX”), which prohibits discrimination on the basis of sex in educational programs or activities, admissions, and employment. Title IX states that:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

Questions regarding the application of Title IX may be referred to National Aviation Academy’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights.

Title IX Coordinator:  
Nannette Worlinsky  
Director of Compliance and  
Regulatory Affairs  
6225 Ulmerton Road  
Clearwater FL 33760  
727.531.2080  
[nworlinsky@naa.edu](mailto:nworlinsky@naa.edu)

Office of Civil Rights:  
Atlanta Office for Civil Rights  
61 Forsyth St. SW, suite 19T10  
Atlanta GA 30303-8927  
Phone: 404 974 9406  
Fax: 404 974 9471  
800 877 8399  
Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

NAA encourages students, faculty, staff and third parties to file complaints of sex discrimination with the Title IX Coordinator.

A person may also file a complaint of sex discrimination with the United States Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800- 421-3481.

## **What is Title IX?**

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance. Title IX prohibits sexual misconduct, including sexual harassment which is a form of gender discrimination. Programs and activities that receive funds from the United States Department of Education (ED) must operate in a nondiscriminatory manner. Title IX prohibits discrimination on the basis of sex in: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment. Additionally, Title IX prohibits retaliation against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX. An act of retaliation in any manner is considered a violation of Title IX. For a more detailed understanding of these protections please see ED Title IX regulations ([Volume 34, Code of Federal Regulations, Part 106](#)).

## **What is the role of the Title IX Coordinator?**

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual assault, stalking and relationship violence involving students, staff and faculty;
- Knowledgeable and trained in NAA policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, a respondent or a third party, about the courses of action available at NAA, both informally and formally, and in the community;
- Available to provide assistance to any NAA employee regarding how to respond appropriately to a report of sexual harassment, sexual assault, or relationship violence;
- Responsible for monitoring compliance with all procedural requirements, record keeping and time frames outlined in this policy; and
- Responsible for overseeing training, prevention and education efforts, and regular reviews of climate and culture.

## Sexual Harassment

### Definition of Sexual Harassment

Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment

### Examples of Sexual Harassment

Some examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos or sexual humor
- Obscene gestures
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Asking about, or telling about, sexual fantasies
- E-mail and Internet use that violates this policy
- Sexual violence/assault (as defined herein)

Further examples of sexual harassment may be found in the Frequently Asked Questions ([see page 12](#)). Sexual Violence/Assault

## The Definition of Sexual Violence/Assault

Sexual violence/assault is a form of prohibited sexual harassment. Sexual violence/assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity or because of his or her youth.

**Examples of Sexual Violence/Assault** Some examples of sexual violence/assault include:

- Sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent
- Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation
- Prostituting another student
- Non-consensual video or audio-taping of sexual activity
- Knowingly transmitting a sexually transmitted disease to another

Further examples of sexual violence may be found in the Frequently Asked Questions ([see page 12](#)).

## Definition of Consent

Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.

## Domestic Violence, Dating Violence, and Stalking

The crimes of domestic violence, dating violence, and stalking can also constitute sexual harassment when motivated by a person's sex. These crimes, no matter the motivation behind them, are a violation of this policy.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction [...], or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- For state law definitions covering domestic violence see:
  - [Florida Statutes §741.28](#)
  - [Massachusetts Law §MGLc.209A](#)

"Dating violence" means violence committed by a person:

- a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - I. The length of the relationship.
  - II. The type of the relationship.
  - III. The frequency of interaction between the persons involved in the relationship.

- For state law definitions covering dating violence see:
  - [Florida Statutes §784.06](#)
  - [Massachusetts Law §MGLc.209A](#)

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for his or her safety or the safety of others; or
- b. Suffer substantial emotional distress.

- For state law definitions of stalking see:
  - [Florida Statutes §784.048](#)
  - [Massachusetts Law §MGLc.209A](#)

Other state law definitions can be found at <http://victimsofcrime.org/our-programs/stalking-resource-center/stalking-laws/criminal-stalking-laws-by-state>.

## Title IX Requirements Regarding Pregnant and Parenting Students

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Under Title IX, it is illegal for schools to exclude a pregnant student from participating in any part of an educational program.

### Frequently Asked Questions

*Does a school have to excuse a student's absences due to pregnancy or childbirth?*

Yes. Title IX requires a school to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, for as long as the student's doctor deems the absences to be medically necessary. When the student returns to school, she must be reinstated to the status she held when the leave began, which should include giving her the opportunity to make up any work missed. A school may offer the student alternatives to making up missed work, such as retaking a semester, taking part in an online course credit recovery program, or allowing the student additional time in a program to continue at the same pace and finish at a later date, especially after longer periods of leave. The student should be allowed to choose how to make up the work.

*What types of assistance must a school provide to a pregnant student at school?*

To ensure a pregnant student's access to its educational program, when necessary, a school must make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy status. For example, a school might be required to provide a larger desk, allow frequent trips to the bathroom, or permit temporary access to elevators.

In addition, a school must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began.

If the school requires students with other medical conditions to submit a doctor's note, it may require the same from a pregnant student.

## **Roles and Responsibilities**

### **Title IX Coordinator**

It is the responsibility of the Title IX Coordinator to coordinate dissemination of information and education and training programs to: (1) assist members of NAA community in understanding that sex discrimination and sexual harassment are prohibited by this policy; (2) ensure that investigators are trained to respond to and investigate complaints of sex discrimination and sexual harassment; and (3) ensure that faculty, staff, and students are aware of the procedures for reporting and addressing complaints of sex discrimination and sexual harassment. The appropriate deputy Title IX Coordinator is also responsible for implementing the Complaint Resolution Procedures for the campus to which the complaint pertains ([see page 19](#)).

#### **B. Directors of Education, Deans, Department Chairs, and Managers**

It is the responsibility of deans, department chairs, and managers (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy,
- Notify the Title IX Coordinator or appropriate deputy Title IX Coordinator for their campus promptly if they receive reports, witness, or otherwise learn of complaints of sex discrimination and sexual harassment,
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy.

#### **C. Employees**

It is the responsibility of all employees to review this policy and comply with it.

#### **D. Students**

It is the responsibility of all students to review this policy and comply with it.

#### **NAA**

When NAA is aware that a member of NAA community may have been subjected to or affected by conduct that violates this policy, NAA will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sex discrimination or sexual harassment. NAA will act in accordance with its Complaint Resolution Procedures ([see page 19](#)).

## **Complaints**

### Making a Complaint

#### Employees and Staff

All Academy employees and staff have a duty to report sex discrimination and sexual harassment to the Title IX Coordinator or appropriate deputy Title IX Coordinator for their campus.

#### Students and Other Persons

Students who wish to report sex discrimination or sexual harassment should file a complaint with the Title IX Coordinator or appropriate deputy Title IX Coordinator for their campus. Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in [Page 1](#).

#### Content of the Complaint

So that NAA has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that NAA may follow up appropriately.

A complainant will be given a copy of the document titled "Explanation of Rights and Options after Filing a Complaint under the Title IX: Non-Discrimination and Anti-Harassment Policy."

#### Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sex discrimination or sexual harassment that also constitutes a crime—including sexual violence/assault, domestic violence, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, NAA will assist the complainant in notifying the appropriate law enforcement authorities. A victim may decline to notify such authorities.

#### Special Guidance Concerning Complaints of Sexual Violence/Assault, Domestic Violence, Dating Violence, and Stalking

If you are the victim of sexual violence/assault, domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. NAA recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

If you are the victim of sexual violence/assault, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence/assault, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence/assault, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative,
- seeking legal advice,
- seeking personal counseling (always recommended),
- pursuing legal action against the perpetrator,
- pursuing disciplinary action,
- requesting no further action be taken.

### Protecting the Complainant

Pending final outcome of an investigation, NAA will take steps to protect the complainant from any further harassment or retaliation. This may include assisting and allowing the complainant to change his or her academic, transportation, work, or living situation if options to do so are reasonably available. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator or appropriate deputy Title IX Coordinator for their campus. NAA will take all reasonable and legal action to implement the order.

### Timing

NAA encourages persons to make complaints of sex discrimination and sexual harassment as soon as possible because late reporting may limit NAA's ability to investigate and respond to the conduct complained of.

## **Investigation and Confidentiality**

All complaints of sex discrimination and sexual harassment will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures ([see page 19](#)). NAA will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, NAA cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, NAA will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, NAA's ability to respond may be limited. NAA reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to NAA community.

### **Resolution**

If a complaint of sex discrimination or sexual harassment is found to be substantiated, NAA will take appropriate corrective action. Students, faculty, and staff found to be in violation of this policy will be subject to discipline up to and including termination, expulsion, or other appropriate institutional sanctions; affiliates and program participants may be removed from NAA programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

### **Bad Faith Complaints**

While NAA encourages all good faith complaints of sex discrimination and sexual harassment, NAA has the responsibility to balance the rights of all parties. Therefore, if NAA's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint is subject to discipline.

It is a violation of this policy to retaliate against any person for making a good faith complaint of sex discrimination or sexual harassment and/or cooperating in the investigation of (including testifying as a witness to) such complaint.

## Vendors, Contractors, and Third Parties

This policy and the Complaint Resolution Procedures apply to the conduct of vendors, contractors, and third parties. If a member of NAA community believes that he or she has been subjected to sex discrimination or sexual harassment by a vendor, contractor, or third party, the person should make a complaint in the manner set forth on page 8. NAA will respond to the complaint as appropriate, given the nature of its relationship to the vendor, contractor, or third party.

### **Academic Freedom**

While NAA is committed to the principles of free inquiry and free expression, sex discrimination and sexual harassment are neither legally protected expression nor the proper exercise of academic freedom.

### **Education**

Because NAA recognizes that the prevention of sex discrimination, sexual harassment, sexual violence/assault, domestic violence, dating violence, and stalking is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator or appropriate deputy Title IX Coordinator for your campus.

## **FREQUENTLY ASKED QUESTIONS**

1. What are some additional examples of sexual harassment?
2. What should I do if I have been sexually harassed?
3. What are some additional examples of sexual violence/assault?
4. What constitutes “consent” for purposes of sexual violence/assault?
5. What should I do if I am a victim of sexual violence/assault, domestic violence, dating violence, or stalking?
6. Can I make a complaint of sexual violence/assault against my boyfriend or girlfriend?
7. What should I do if I am sexually harassed by someone who is not an Academy student or employee?
8. What should I do if I am sexually harassed by a student but we are off campus?
9. What should I do if I observe sex discrimination or sexual harassment, but it is not directed at me?
10. What is the role of the Title IX Coordinator?
11. If I make a complaint of sex discrimination or sexual harassment, will it be treated confidentially?
12. Who is typically involved in investigating a complaint of sex discrimination or sexual harassment?
13. What are the possible outcomes of an investigation into a complaint?
14. May I have a support person with me in the investigation process?
15. What should I do if I am retaliated against for making a complaint of sex discrimination or sexual harassment?
16. How does NAA handle false allegations of sex discrimination and sexual harassment?

## **Responses to Frequently Asked Questions**

### **1. What are some additional examples of sexual harassment?**

Sexual harassment is a form of prohibited sex discrimination. NAA's policies protect men and women equally from sexual harassment, including harassment by members of the same sex. Staff, faculty, and students are protected from sexual harassment by any other staff, faculty, student, or contractor. Examples of kinds of conduct that constitute sexual harassment include, but are not limited to, the following:

- Engaging in unwelcome sexual advances
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails or text messages
- Telling unwelcome, sexually explicit jokes
- Displaying sexually suggestive or lewd photographs, videos, or graffiti
- Making unwelcome and unwanted physical contact, such as rubbing, touching, pinching, or patting
- Making unwelcome and suggestive sounds, such as "cat calls" or whistling
- Commenting on a person's dress in a sexual manner
- Making sexual gestures
- Repeatedly asking someone for a date after the person has expressed disinterest
- Giving unwelcome personal gifts, such as flowers, chocolates, or lingerie, that suggest the desire for a romantic relationship
- Telling another person of one's sexual fantasies, sexual preferences, or sexual activities
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Using sexually explicit profanity

### **2. What should I do if I have been sexually harassed?**

NAA encourages you to report sexual harassment as soon as possible. Ignoring sexual harassment does not make it go away. And delayed reporting may limit NAA's ability to investigate and remedy the sexual harassment.

If you are a student, you may report sexual harassment to the Title IX Coordinator or appropriate deputy Title IX Coordinator for your campus. If you are the victim of sexual harassment that constitutes a crime, NAA encourages you to also file a complaint with local law enforcement and to press charges.

You always have the option to directly confront the person who is harassing you. Sometimes, individuals are not aware that their behavior is offensive and quickly apologize and change their behavior once it is brought to their attention. However, you are not required or expected to confront your harasser prior to filing a complaint.

### 3. What are some additional examples of sexual violence/assault?

Sexual violence/assault is a form of prohibited sexual harassment. Sexual violence/assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability. Examples of kinds of conduct that constitute sexual violence/assault include, but are not limited to, the following:

- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Hazing that involves penetrating a person's vagina or anus with an object
- Use of a "date rape drug" to effect sexual intercourse or some other form of sexual contact with a person
- One partner in a romantic relationship forcing the other to have sexual intercourse without the partner's consent
- Exceeding the scope of consent by engaging in a different form of sexual activity than a person has consented to
- Groping a person's breasts or groin on a dance floor or at a bar
- Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
- Coercing someone into having sexual intercourse by threatening to expose their secrets
- Secretly videotaping sexual activity where the other party has not consented

### 4. What constitutes "consent" for purposes of sexual violence/assault?

Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.

## 5. What should I do if I am a victim of sexual violence/assault, domestic violence, dating violence, or stalking?

Don't blame yourself. These crimes are never the victim's fault. Please contact the Title IX Coordinator or appropriate deputy Title IX Coordinator for your campus as soon as possible for information on options and resources available to you. You may also wish to call local law enforcement (911 if emergency), or the National Sexual Assault Hotline at 800-656-HOPE.

If you are the victim of sexual violence/assault, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence/assault, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking; to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

## 6. Can I make a complaint of sexual violence/assault against my boyfriend or girlfriend?

Anyone can commit sexual violence/assault, even if you and that person are in a romantic relationship. The critical factor is consent. If your boyfriend or girlfriend perpetrates a sexual act against you without your consent, such conduct constitutes sexual violence/assault, and you may make a complaint. This type of conduct and other types of conduct perpetrated by your boyfriend or girlfriend may also be classified as domestic violence or dating violence.

## 7. What should I do if I am sexually harassed by someone who is not an Academy student or employee?

NAA's policies protect you from sexual harassment by vendors, contractors, and other third parties that you encounter in your Academy learning, living, and employment environment. If you believe that you have been subject to conduct that violates these policies, you should report the sexual harassment just as if it were committed by an Academy student or employee.

## 8. What should I do if I am sexually harassed by a student but we are off campus?

It is possible for off-campus conduct between Academy employees or students to contribute to a hostile working or academic environment or otherwise violate NAA's policies. You may make a complaint of sexual harassment even if the conduct occurs off-campus.

## 9. What should I do if I observe sex discrimination or sexual harassment, but it is not directed at me?

Anyone who witnesses sex discrimination or sexual harassment, even if it is directed at someone else, can still feel uncomfortable and harassed. If you are a student and witness conduct that you believe constitutes sex discrimination or sexual harassment, please make a complaint in the same manner as if the conduct was directed against you. If you are an employee or staff member of NAA, it is your duty to report conduct that constitutes sex discrimination or sexual harassment.

## 10. What is the role of the Title IX Coordinator?

The Title IX Coordinator oversees NAA's compliance with Title IX and receives inquiries regarding Title IX, including complaints of sex discrimination and sexual harassment. The Title IX Coordinator has received special training on NAA's policies and procedures pertaining to sex discrimination and sexual harassment, and is available to answer questions about those policies and procedures, respond to complaints, and assist you in identifying other resources to aid in your situation. The Title IX Coordinator is assisted by several deputy Title IX Coordinators, who are assigned to particular campuses. The deputy Title IX Coordinators are responsible for implementing the Complaint Resolution Procedures for complaints pertaining to the campuses to which they are assigned.

## 11. If I make a complaint of sex discrimination or sexual harassment, will it be treated confidentially?

NAA will take reasonable and appropriate steps to preserve the confidentiality of the parties to the complaint and to protect the confidentiality of information gathered during the investigation. However, NAA has an obligation to provide a safe and non-discriminatory environment for all students and employees. Therefore, no unconditional promises of confidentiality can be provided.

## 12. Who is typically involved in investigating a complaint of sex discrimination or sexual harassment?

NAA's deputy Title IX Coordinator for the campus pertaining to the complaint will be involved in investigating these complaints. Also, the deputy Title IX Coordinator may appoint another member of the faculty or staff to gather, investigate,

and resolve the complaint. The process of gathering evidence will necessarily require the involvement of the complainant, the respondent, and any witnesses to the incident that gave rise to the complaint. In sum, it will involve those persons necessary to fairly and completely investigate the complaint and resolve it.

### **13. What are the possible outcomes of an investigation into a complaint?**

The outcome will be determined based on the totality of the evidence using a preponderance of the evidence standard. If the preponderance of the evidence does not support a finding that the incident occurred, then the complaint is resolved in favor of the accused. If, however, the preponderance of the evidence supports that sex discrimination or sexual harassment occurred, the actions taken by NAA will include those necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of NAA community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, up to termination, expulsion, or other appropriate institutional sanctions.

### **14. May I have a support person with me in the investigation process?**

During the investigation of a complaint, both the complainant and the accused may have a friend or colleague present with them during the investigatory interview. The support person cannot be a potential witness in the matter. In cases involving multiple complainants or respondents, the support person cannot be another complainant or respondent. The support person does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and he or she must agree to maintain the confidentiality of the process. Witnesses to sex discrimination or sexual harassment and others involved in the investigation are not entitled to have a support person present during investigatory interviews.

### **15. What should I do if I am retaliated against for making a complaint of sex discrimination or sexual harassment?**

NAA's Title IX: Non-Discrimination and Anti-Harassment Policy prohibits retaliation against any person for making a good faith complaint of sex discrimination or sexual harassment and/or cooperating in the investigation of (including testifying as a witness to) such complaint. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the underlying allegation of sex discrimination or sexual harassment. If you feel you are the victim of retaliation in violation of this policy, you should report the retaliation just as you would a complaint of sex discrimination or sexual harassment.

**16. How does NAA handle a bad faith allegation of sex discrimination and sexual harassment?**

A bad faith allegation of sexual discrimination or sexual harassment occurs when the accuser intentionally reports information or incidents that he or she knows to be untrue. Failure to prove a complaint of sex discrimination or sexual harassment is not equivalent to a bad faith allegation. NAA may impose sanctions against an individual who knowingly makes false allegations of sex discrimination or sexual harassment.

# **TITLE IX COMPLAINT RESOLUTION PROCEDURES**

## 1. General Principles

### A. Administration

For purposes of these complaint resolution procedures, “Title IX Coordinator” means the deputy Title IX Coordinator for the campus to which the complaint pertains and/or his or her designee. The Title IX Coordinator shall have responsibility for administering these complaint resolution procedures.

### B. Promptness, Fairness and Impartiality

These procedures provide for prompt, fair, and impartial investigations and resolutions. The Title IX Coordinator shall discharge his or her obligations under these complaint resolution procedures fairly and impartially. If the Title IX Coordinator determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, the Title IX Coordinator shall designate another individual to administer these procedures.

### C. Training

These procedures will be implemented by officials who receive annual training on the issues related to sex discrimination, sexual harassment, sexual violence/assault, domestic violence, dating violence, and stalking and how to conduct an investigation and implement a process that protects the safety of victims and promotes accountability.

## 2. Investigation and Resolution of the Complaint

### A. Commencement of the Investigation

Once a complaint is made, the Title IX Coordinator will commence an investigation of it as soon as practicable, but not later than seven (7) days after the complaint is made. In certain narrow circumstances, the Title IX Coordinator may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant’s articulated concerns.

### B. The Content of the Investigation

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The Title IX Coordinator will review the evidence

presented and, depending upon the circumstances, may interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

#### C. Support Person

During the investigation process, both the complainant and respondent may ask a support person to accompany him or her. The support person cannot be a potential witness. In cases involving multiple complainants or respondents, the support person cannot be another complainant or respondent. The support person does not serve as an advocate on behalf of the complainant or respondent, may not actively participate in any proceedings, and he or she must agree to maintain the confidentiality of the process.

#### D. Interim Measures

At any time during the investigation, the Title IX Coordinator may determine that interim remedies or protections for the parties involved or witnesses are appropriate.

These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Title IX: Non-Discrimination and Anti-Harassment Policy.

#### E. Pending Criminal Investigation

Some instances of sexual harassment or sexual violence/assault may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, NAA will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve NAA of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, NAA will proceed with its own investigation and resolution of the complaint.

#### F. Resolution

At the conclusion of the investigation, the Title IX Coordinator will determine whether the preponderance of the evidence indicates the respondent has violated the Title IX: Non-Discrimination and Anti-Harassment Policy. The Title IX Coordinator will prepare a written report setting forth findings, conclusions, and actions to be taken, if any.

If the investigation determines that sex discrimination or sexual harassment occurred, the actions taken will include those necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of NAA community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and

others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, expulsion, or other appropriate institutional sanctions. The complainant and the respondent will be notified in writing of the outcome of the investigation within three (3) days of its completion. The determination of the Title IX Coordinator shall be final subject only to the right of appeal set forth in Section 4. Appeals.

#### G. Informal Resolution

Informal means of resolution, such as mediation, maybe used in lieu of the formal investigation and determination procedure. However, informal means may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the complainant may terminate any such informal means at any time. In any event, informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence/assault.

#### H. Time Frames

NAA will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Title IX Coordinator in writing explaining how much additional time is needed and why it is needed. The Title IX Coordinator shall respond to any such request within three (3) days.

### 3. Rights of the Parties

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to present witnesses and other relevant evidence
- Similar and timely access to all information considered by the Title IX Coordinator in resolving the complaint
- Equal opportunity to review any statements or evidence provided by the other party
- Equal access to review and comment upon any information independently developed by the Title IX Coordinator

## 4. Appeals

### A. Grounds of Appeal

The complainant or respondent may appeal the resolution of a complaint only on the following grounds:

- The decision was contrary to the substantial weight of the evidence
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Title IX Coordinator, would result in a different decision
- Bias or prejudice on the part of the Title IX Coordinator, or
- The punishment or the corrective action imposed is disproportionate to the offense

### B. Method of Appeal

Appeals must be filed with the appropriate appellate officials described in the next section within ten (10) days of receipt of the written notification of the resolution of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the resolution of the complaint, including corrective action, if any
- A detailed statement of the basis for the appeal, including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any.

The appellant may request a meeting with the appellate official, but the decision to grant a meeting is within the official's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

### C. Appellate Official

#### A. Appeals of Complaints Against Students

Where the complaint concerns the conduct of a student, the appeal shall be filed with the Campus President for the campus to which the complaint pertains.

#### B. Appeals of Complaints Against Academy Faculty or Staff

Where the complaint concerns the conduct of a member of NAA faculty or staff, the appeal shall be filed with the Campus President for the campus to which the complaint pertains.

#### C. Appeals of Complaints Against Third-Parties

Where the complaint concerns the conduct of a third-party, such as a vendor,

contractor, or campus visitor, the appeal shall be filed with the Campus President for the campus to which the complaint pertains.

#### D. Appeals of Complaints Against the Campus President

Where the complaint concerns the conduct of the campus president, the appeal shall be filed with the Title IX Coordinator

### 5. Resolution of the Appeal

The appellate official will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he or she determines to be in the interest of a fair and just decision. The decision of the appellate official is final. The appellate official shall issue a short and plain written statement of the resolution of the appeal including any changes made to the previous written determination. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) days of their solution.

### 6. Documentation

Throughout all stages of the investigation, resolution, and appeal, the Title IX Coordinator and the appellate official, as the case maybe, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.