

National Aviation Academy

Title IX Training Program

DEPARTMENT OF EDUCATION

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

Current Title IX regulations issued by the U.S. Department of Education took effect on August 14, 2020, and created a new specific process by which postsecondary institutions must manage covered sexual harassment complaints on campus.

National Aviation Academy uses the training resources of Thompson Coburn LLP to provide foundational training to those individuals who will help administer this required process. This will include Title IX coordinators, Associate Deputy Title IX coordinators, an investigator, a decision maker, and any individuals responsible for managing informal resolutions.

1975 Title IX Regulations

Title IX prohibits sex discrimination (it does not specifically mention sexual harassment or sexual assault, but these are addressed in subsequent regulations).

The original Title IX regulations were issued in 1975, before the courts specifically addressed sexual harassment.

The original regulations required:

- Designation of at least one employee to coordinate efforts to comply with and carry out its responsibilities under Title IX, including investigation of any complaint.
- Dissemination of a Title IX policy.
- Grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by the law.

In August of 2020, new regulations went into effect and include:

- 1) An updated definition of Sexual Harassment
- 2) New mandatory procedures related to live hearings
- 3) Provisions for cross-examination by an advisor
- 4) Allowing for advisors of choice or else provided by the Academy
- 5) Dismissal of cases under Title IX in certain circumstances
- 6) New requirements related to supportive measures
- 7) Informal resolution options
- 8) Training requirements for Title IX administrators
- 9) Allowing certain standards of evidence (NAA uses the "preponderance of the evidence" standard)
- 10) Specifying institutional accountability for deliberate indifference

Policy

Preemption of conflicting state law, which means if there is any conflict between federal Title IX regulations and state law, the requirements of Title IX control.

NAA is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment, Dating Violence, Domestic Violence, Stalking, and Retaliation.

NAA complies with Title IX of the Education Amendments of 1972 and its implementing regulations (34 C.F.R. Part 106), which prohibit discrimination based on sex in Academy educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination.

Prohibited Conduct that occurs in the context of the Academy's education programs and activities is a violation of this Policy and will be grounds for disciplinary action up to and including expulsion from the Academy and termination of employment.

Additional information about the Title IX Policy, definitions of Prohibited Conduct, grievance procedures, training and prevention programs can be found online at: <https://www.naa.edu/consumer-information/>

The Title IX Policy applies to...

- 1) To all faculty, staff, and students - as well as to third parties including vendors, visitors or volunteers;
 - a) A third party may report a violation of the Policy committed by a member of NAA.
 - b) A third party may also be barred from a NAA campus or events for failing to comply with the Policy.
- 2) Title IX violations can only occur in the United States and in an Education Program or Activity.

Title IX prohibits conduct on the basis of sex that satisfies one or more of the following:

- 1) "Sexual Harassment" includes an employee of NAA conditioning the provision of any aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- 2) Also includes unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NAA's education programs or activities;
- 3) "Sexual assault"- an offense classified as a forcible or non- forcible sex offense under the uniform crime reporting system of the FBI;
- 4) Dating Violence;
- 5) Domestic Violence;
- 6) Stalking.

"Sexual Assault" includes:

- Rape - penetration without consent
- Attempted Rape
- Fondling - touching private body parts without consent

- Incest
- Statutory Rape
- Effective consent consists of an affirmative, voluntary, conscious decision by each participant to engage in mutually agreed upon (and the conditions of) sexual activity. In order to give effective consent, one must not be incapacitated and must be of legal age and have the capacity to give consent.

Consent is:

- Informed and reciprocal
- Freely and actively given
- Mutually understandable
- Revocable
- Specific
- Not valid if obtained through force or coercion

Location under Title IX:

Conduct must occur in the United States and as part of a NAA education program or activity.

At the time of filing a Complaint alleging a Title IX violation, a Complainant must be participating in or attempting to participate in NAA's education program or activity.

An education program or activity means the locations, events, or circumstances where NAA exercises substantial control over both the Respondent and the context in which alleged harassment occurs. This generally includes all property owned or operated by NAA and official events hosted by NAA at off-campus properties.

Prohibited Conduct under Title IX:

NAA's Title IX policy prohibits Sexual Harassment, Dating Violence, Domestic Violence, Stalking, and Retaliation.

NAA strongly encourages all individuals who are the subject of potential Prohibited Conduct to seek supportive measures and consider filing a formal complaint.

All members of the NAA community are strongly encouraged to report information regarding any potential incident of Prohibited Conduct to the Title IX Coordinator or Deputy Title IX Coordinator assigned to their campus.

Reports may be made to the Title IX Coordinator in person, by phone, by mail, or by email. Reports may be made to the Title IX Coordinator in person, by phone, by mail, or by email. A person impacted by Prohibited Conduct may choose whether or not to file a formal complaint, and the options and resources will be discussed and shared to help them make an informed decision.

If a formal complaint is filed, NAA will conduct a prompt, thorough and impartial investigation. NAA administrators involved in the investigation and hearing process are trained on all relevant steps in the process and legal requirements.

Anonymous reports are permitted, but NAA's ability to respond to anonymous reports may be limited.

Retaliation - No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or NAA's Title IX Policy, including making a report or complaint, testifying, assisting, participating, or refusing to participate in any manner in an investigation or proceeding under NAA's Title IX policy.

Note, NAA protects the privacy of all individuals involved in Title IX proceedings.'

Supportive Measures:

Supportive Measures may be provided whether or not a formal complaint is filed.

Non-disciplinary, non-punitive individualized services offered to parties involved in a Title IX-related matter, before or after the filing of a Complaint or even where no Complaint has been filed.

Designed to restore or preserve equal access to NAA's education program or activity without unreasonably burdening the other party.

May include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence and other similar measures.

NAA will maintain as confidential any Supportive Measures provided to individuals to the extent that maintaining such confidentiality would not impair the ability to provide the Supportive Measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Complaints and investigations under the Title IX Policy are treated as confidential.

NAA complies with the Family Educational Rights & Privacy Act (FERPA) and other applicable privacy laws at all times in the course of investigations.

Violence Against Women Act

NAA will keep confidential the identity of any individual who has made a report or complaint of Prohibited Conduct, any individual who has been reported to be the perpetrator of Prohibited Conduct, and any witness, except as may be permitted by FERPA, or as required by law, or in order to conduct any investigation, hearing, or judicial Proceeding arising from the Policy.

NAA complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Violence Against Women Act with respect to reporting and disclosure of campus security information.

NAA will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, as long as such conduct is not harassing or retaliatory.

The investigation, investigation report, and records of proceedings are considered confidential.

The Academy has designated the following individuals as Title IX Coordinator and Title IX Decision Maker for the entire Academy system to coordinate its compliance with Title IX, including complaints of sex discrimination, harassment, and hearing process:

Nannette Worlinsky
Sr. Corp. VP, Compliance/Regulatory Affairs, PDSO
National Aviation Academy - Tampa Bay
6225 Ulmerton Road
Clearwater, FL 33760
(727) 324-0234
(727) 531-2080 Ext. 2054

Designated Positions

The Academy has the following designated positions to assist with in coordinating Title IX compliance at each specific campus location and receive inquiries regarding Title IX, including complaints of sex discrimination and harassment:

Eileen Morey, Compliance Specialist, DSO (**Deputy Title IX Coordinator**)
Russell Cephas, New England Campus Director
Greg Rhoden, Executive Vice President of Education

All inquiries or complaints that involve sexual harassment, discrimination, assault, or violence will automatically be directed to Nannette Worlinsky, Senior Vice President of Compliance.

In the absence of the above identified Deputy Title IX Coordinator, the Campus President, Campus Director, or Sr. Executive Vice President of Human Resources will become the interim Title IX Coordinator for that specific campus. This responsibility will remain in place until such position is available.

The Academy will recruit the assistance from the Deputy Title IX Coordinator for the position of Investigator. The Investigator will assist and work with the Title IX Coordinator in conducting a fair, objective, and impartial investigation. They will differentiate related evidence, relevant evidence, and privileged evidence.

The Title IX Coordinator disseminates information, education, and training programs regarding this Policy, directly or with assistance of Deputy Title IX Coordinators or other designees, to:

- Ensure employees responsible for implementation of this policy are trained to respond to and investigate complaints;
- Educate the Academy community in understanding this Policy and Prohibited Conduct;
- Ensure that faculty, staff, and students are aware of the procedures for reporting and addressing complaints under this Policy; and
- Ensure that investigators, decision-makers, and any person who facilitates resolution to a formal or informal complaint are trained on the definitions and conduct prohibited by this Policy.

When the Academy receives a complaint of Prohibited Conduct, the Academy will take prompt action, including a review of the matter and, if necessary, investigate and take appropriate steps to stop and remedy any Policy violation.

Training

Title IX Coordinator(s), Investigator(s), Decision Maker(s), and any person who facilitates an Informal Resolution process will receive training on:

- The definition of Sexual Misconduct, Title IX Sexual Harassment, and other terms;
- The scope of the Academy's Education Program or Activity;
- How to conduct an investigation and grievance process; and
- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

NAA also will ensure that Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Decision Maker(s) will receive training on any technology to be used at a hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Training materials

Any materials used to train TIX Coordinator(s), Investigator(s), Decision Maker(s), and any person who facilitates an Informal Resolution process, will not rely on sex or gender stereotypes, and will promote impartial investigations and adjudications of Complaints of Sexual Misconduct. Training materials are published on NAA's website.

TRAINING OUTLINE

Training series includes the following six (6) sessions:

- Introduction to Managing Title IX Sexual Harassment
- Formal Complaints of Title IX Sexual Harassment
- Investigations & Informal Resolutions
- Hearings
- Determinations
- Appeals

Training

TITLE IX TRAINING - THOMPSON COBURN LLP

All Title IX Administrators are required to complete each of the training modules listed below. Employees who are not involved in Title IX proceedings are not required to complete the training modules below, but any student or employee may complete the modules if desired.

Module 1 - Fundamentals of the Law: <http://content.thompsoncoburn.com/video/Module-1-Fundamentals-of-the-Law.mp4>

Module 2 - Formal Complaints: <http://content.thompsoncoburn.com/video/Module-2-Formal-Complaints.mp4>

Module 3 - Investigations & Informal Resolutions: <http://content.thompsoncoburn.com/video/Module-3-Investigations-and-Informal-Resolutions.mp4>

Module 4 - Hearings: <http://content.thompsoncoburn.com/video/Module-4-Hearings.mp4>

Module 5 - Determinations: <http://content.thompsoncoburn.com/video/Module-5-Determinations.mp4>

Module 6 - Appeals: <http://content.thompsoncoburn.com/video/Module-6-Appeals.mp4>

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