

## Title IX at CPU

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination based on sex in education programs and activities. All colleges and universities that receive federal funds must comply with Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq. and its implementing regulations, 34 C.F.R. Part 106.

We are committed to maintaining a culture of respect. We prohibit discrimination in any education program or activity that operates. The school adheres to Title IX regulations, providing reasonable accommodation for students due to pregnancy or related conditions, reasonable break time for employees to lactate, and access to a clean, private lactation space for both students and employees. Individuals may report concerns or questions to the Title IX Coordinator. The detail is located at <https://CPU.edu/about/CPU#tip>.

### **Grievance Procedures for Complaints of Sex Discrimination (§§106.45, §§106.46)**

California Prestige University (aka. CPU) has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

### **Complaints**

If you have a complaint regarding sexual harassment, you can submit an oral or written request to the school instead of filing a formal complaint.

The following people have a right to make a complaint of sex-based harassment, requesting that CPU investigate and make a determination about alleged sex-based discrimination under Title IX:

- A student or employee of CPU who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- A person other than a student or employee of CPU who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in CPU’s education program or activity
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- CPU’s Title IX Coordinator

### **Basic Requirements of Title IX Grievance Procedures:**

- CPU will treat complainants and respondents equitably.
- CPU requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- CPU presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made.
- CPU established the following timeframes for the major stages of the grievance procedures including evaluation, investigation, determination, and appeal, if any; within Thirty (30) school days of receiving the formal complaint.
- The Title IX officer may grant an extension for good cause on investigations, and the President may grant an extension for good cause in the disciplinary process. In both cases, written notice of an extension must be given to the complainant and respondent, stating the reason for the extension and the new timeline.

- CPU will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.
- The parties cannot engage in retaliation, including against witnesses.
- CPU will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence.
- Upon initiation of CPU's Title IX grievance procedures, CPU will notify the parties in writing of the Title IX grievance procedures according to the regulations.

If, in the course of an investigation, CPU decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

### **Dismissal of a Complaint**

CPU may dismiss a complaint of sex discrimination if:

- CPU is unable to identify the respondent after taking reasonable steps to do so.
- The respondent is not participating in CPU's education program or activity and is not employed by CPU.
- CPU obtains the complainant's voluntary withdrawal in writing of any or all of the allegations.
- CPU determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, CPU will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, CPU will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then CPU will notify the parties simultaneously in writing.

CPU will notify the complainant that the dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then CPU will also notify the respondent that the dismissal may be appealed on the same basis.

### **Investigation**

- CPU will provide for adequate, reliable, and impartial investigation of complaints.
- CPU will provide a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.
- CPU will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
- CPU will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.
- CPU will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
- CPU will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- CPU will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible.

### **Questioning the parties and Witnesses**

CPU will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

### **Determination**

- Use the clear standard of proof to determine whether sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.
- CPU will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will.
  - o Coordinate the provision and implementation of remedies to a complainant and other people CPU identifies as having had equal access to CPU's education program or activity limited or denied by sex discrimination.
  - o Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - o Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within CPU's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that CPU provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

### **Appeal of Determinations**

CPU offers the appeal process from a dismissal or determination whether sex-based harassment occurred.

In lieu of resolving a complaint through CPU's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process.

CPU will not offer informal resolutions to resolve a complaint when such a process would conflict with Federal, State, or local law.

### **Supportive Measures**

CPU will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the CPU's education program or activity

or provide support during CPU's Title IX grievance procedures or during the informal resolution process.

### **Disciplinary Sanctions and Remedies**

Following a determination that sex-based harassment occurred, CPU may impose disciplinary sanctions, which may include suspension or expulsion from the school.

Sex-based harassment includes unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity.

Also, Sex-based harassment includes an employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that the Office for Civil Rights (OCR) enforces.

Because harassment, including sexual harassment, is prohibited by federal and state laws, CPU strictly forbids harassment of any kind, and will swiftly take appropriate action to address any violations of this policy. Harassment is any verbal (can include verbal taunting including racial and ethnic slurs) or physical conduct designed to threaten, intimidate or coerce.

Students or employees who believe that they are, or have been, subject to any behaviors or conduct that can be classified as gender-based violence, harassment, stalking or any of the broad range of behaviors directed at the victim such as actions that harass, frighten, seriously alarm, threaten, terrorize, torment, and/or force another into the life of the victim, should immediately contact our Title IX Coordinators:

All eligible people have the right to report incidents of sexual violence to school and CPU will respond promptly & effectively to resolve the case. CPU takes Title IX violations very seriously.

We want to ensure school is a safe and engaging place for students to learn and be successful.

### **Title IX Coordinator: Sung K. Lee (John, Lee)**

Director of Student Affairs

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