

Valley Forge Military Academy & College Title IX Grievance Procedures

Valley Forge Military Academy & College (VFMAC) is committed to providing a learning, living, and working environment that is free from sexual harassment, sexual assault, and sexual discrimination. We are dedicated to ensuring a safe campus climate for all our students and the entire institutional community. Through a comprehensive compliance, investigative, and adjudication program, we promote fundamental rights, individual and institutional integrity and uphold the aims of Title IX legislation.

This outlines VFMAC's commitment and efforts to comply with Title IX regulatory requirements by leveraging a myriad of campus resources dedicated to educational excellence. Current information is available through our institutional website which serves as a focal point for students, faculty, and staff who may need Title IX assistance.

I. PURPOSE AND SCOPE

It is the policy of VFMAC not to discriminate on the basis of sex in its educational programs and activities as required by Title IX of the Education Amendments of 1972. Title IX provides 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." Gender discrimination includes sexual harassment and sexual assault. This policy shall apply to all students, staff, faculty, contractors, vendors, and/or visitors to VFMAC.

As a student of VFMAC you are protected from sex discrimination including, but not limited to:

- Admission to schools/colleges
- Access to enrollment in courses
- Access to and use of school facilities
- Counseling and guidance materials, tests and practices
- Vocational education
- Physical education
- Competitive athletics
- Graduation requirements
- Student rules,

regulations and benefits Housing Financial
assistance Health services School-sponsored
extracurricular activities

As an employee you are protected from sex discrimination including, but not limited to: Employment, evaluation, wages, advancement, assigned duties and shifts Career advancement Other terms and conditions of employment

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II. DEFINITIONS

A. Gender Discrimination.

Sex discrimination can occur when conduct is directed at a specific individual or a group of identifiable individuals that adversely affects the education or employment of the individual or group because of sex. Sex-based discrimination or harassment may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Conduct that may be sex-based discrimination include, but are not limited to:

- Exclusion from educational resources or activities because of one's sex
- Subjection to jokes or derogatory comments about one's sex; or
- Being held to different standards or requirements on the basis of one's sex

B. Sexual Harassment.

In general terms, sexual harassment is unwelcome, sex or gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with, denies, or limits an individual's ability to participate in or benefit from the institution's educational mission, programs, or activities.

Sexual Harassment can take two forms: quid pro quo and hostile environment

• **Quid pro quo** sexual harassment exists when:

- There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's academic status or employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for academic decisions, employment conditions or status that adversely affects such individual.

For example: An employee of the institution causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

• **Hostile Environment** sexual harassment exists when:

- Unwelcome conduct of a sexual nature is sufficiently serious that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school.

- In an employment context, hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

The determination of whether an environment is considered hostile is based on a totality of circumstances which may include, but is not limited to, the degree to which the conduct interfered with the complainant's educational or work performance; the type, severity, frequency, and duration of the conduct; the effect of the conduct on the complainant's mental or emotional state; and whether the speech or conduct deserves the protection of academic freedom or the first amendment.

A single or isolated incident of sexual harassment may be severe enough to create a hostile environment.

Examples could include references to an individual's body; use of sexually degrading words to describe an individual; offensive comments; off-color language or jokes; innuendoes; and sexually suggestive objects or behavior, books, magazines, photographs, cartoons or pictures

C. Sexual Violence.

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to reasons including, but not limited to an individual's age, use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent. A number of acts fall into the category of sexual violence including rape, sexual assault, sexual battery and sexual coercion.

Further defined within the Pennsylvania Criminal Code, sexual assault is a non- consensual act involving psychological manipulation, physical force, or coercion by an individual through forcible sodomy, forcible sexual penetration, however slight, of another person's mouth, anal or genital opening with any object. These acts must be committed without the victim's consent either by force, threat of force or violence, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware

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III. NOTICE OF TITLE IX COORDINATOR/DEPUTY COORDINATORS

Contact information for all VFMAC IX Coordinators can also be found on the VFMAC website.

Title IX Coordinator for VFMAC:

Dr. Jesse Phillips, Associate Dean of
Students 610-989-1467 Email:
jphillips@vfmac.edu

Title IX Co- Coordinators for VFMAC

Colonel Ken Seitz Deputy
Commandant for Support, Lee Hall
Phone: (610) 989-1254 Email:
kseitz@vfmac.edu

Mr. Aaron Barkley, MS
Dean of Cadets, Shannon
Hall Phone: 610-989-1282
Email:
abarkley@vfmac.edu

In addition, VFMAC retains identified staff members, trained in Title IX regulatory guidance, to assist the Title IX coordination team in responding to and administering

Title IX complaints.

The Title IX Coordinator(s) core responsibilities include coordinating the institution's compliance with Title IX, to include oversight of Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. This includes, but is not limited to, the coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students, and other members of the campus community.

The Title IX Coordinator and Deputy Coordinators are responsible for Title IX compliance for matters involving students, including training, education, communication, and administration of the grievance procedure for all complaints filed against VFMAC students. If a Title IX complaint is initiated against a VFMAC employee, visitor, or contractor, the Title IX Deputy Coordinator, dual-hatted as the Director of Human Resources, will generally be the individual who will respond to and administer the complaint.

IV. REPORTING A TITLE IX COMPLAINT

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VFMAC encourages any student, employee or visitor who thinks that they have been subjected to sex discrimination, sexual harassment, or sexual violence by another student, member of the faculty or staff, campus visitor or contractor, to report that action immediately to VFMAC's Title IX Coordinator or Deputy Coordinator.

If the incident occurs after-hours or off campus, contact VFMAC security at (610) 989-1258 or local law enforcement in the case of sexual violence immediately. VFMAC security will in-turn notify the Title IX Coordinator.

Individuals who are survivors of sexual violence are strongly encouraged to report the incident to local law enforcement. Reporting an incident of sexual violence to law enforcement provides the opportunity for collection of evidence helpful in the Title IX investigation, in addition to facilitating a myriad of off-campus support services available to the survivor.

In accordance with Title IX regulatory guidance, a *responsible employee* of the

institution must report incidents of sexual discrimination, sexual harassment, or sexual violence to the Title IX Coordinator or Deputy Coordinators. A *responsible employee* is defined as a member of the institution's administration, academic dean, department head, director, supervisor, Tactical Officer, or a member of the general faculty or staff.

By Title IX legislation, professional and pastoral counselors and members of the Heath Center are not required to report any information regarding an incident of alleged sexual violence to the Title IX coordinator or other appropriate school designee without the complainant's consent. In these cases, the employee should inform the complainant of their right to file a Title IX complaint with the school and a separate complaint with local law enforcement.

Reporting a Title IX incident should be accomplished in writing, preferably, although not required, using the Title IX incident report located on the VFAMC website or by contacting the Title IX Coordinator.

V. TITLE IX GRIEVANCE PROCESS

A. Receipt of a Complaint

Upon receipt of a Title IX complaint, the Title IX Coordinator or Deputy Title IX Coordinator will meet with the individual filing the action, identified as the *Complainant*, to review VFAMC's Title IX grievance procedures, discuss the specific incident, and determine the Complainant's desire to proceed with a formal or informal resolution.

If the Complainant elects to proceed with an informal resolution, the Coordinator will contact the individual(s), identified as the *Respondent*, against whom the complaint is filed, in accordance with the informal resolution section below.

If the Complainant desires to proceed directly with a formal Title IX complaint, the Respondent declines to participate in an informal resolution, or if attempts to resolve the complaint through informal procedures are unsuccessful, the Title IX Coordinator or

Deputy Title IX Coordinator will evaluate the complaint in accordance with the formal resolution section outlined in a later section.

B. Informal Resolution Procedures

If the Complainant requests to proceed informally with the complaint, the Complainant should request the Title IX Coordinator or a Deputy Title IX Coordinator to intervene. Students are encouraged not to rely upon other students or individuals who are not familiar with VFMAC policy to intervene on their behalf when discussing concerns with the person whose behavior is unwelcome and/or offensive. The Title IX Coordinator to whom a request to proceed informally is made will initially evaluate the request to determine whether an informal resolution is appropriate given the severity of the allegations involved. However, in cases involving allegations of sexual violence or sexual assault, informal resolution or mediation is not appropriate, even on a voluntary basis.

In the event that the Title IX Coordinator determines that an informal resolution is appropriate, the allegation may, but need not, be preliminarily investigated by the Title IX Coordinator, or the Deputy Title IX Coordinator to the extent necessary to resolve any factual conflicts between the parties. The allegation(s) will be considered resolved and the matter closed when all parties agree to a written resolution that is approved by the Title IX Coordinator or the Deputy Title IX Coordinator.

The Complainant has the right to end the informal resolution process at any time and begin the formal resolution process.

If the informal resolution process does not result in a mutually-acceptable resolution, the matter will be resolved pursuant to the formal resolution procedures established in a later section of this policy.

Supervisors or administrators, including faculty, should contact the Title IX Coordinator or a Deputy Coordinator before attempting to resolve any

complaints

C. Formal Resolution Proceedings: Filing and Accepting a Complaint

Any individual may initiate formal complaint procedures by filing a complaint with the Title IX Coordinator or Deputy Coordinator whether or not that individual has attempted resolution through informal procedures. The individual who files the complaint is referred to as the “Complainant”. The individual against whom the complaint is filed is referred to as the “Respondent”. Collectively these individuals are referred to as the “parties”.

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VFMAC will work to investigate all complaints as quickly and professionally as possible. When investigations confirm sex discrimination and/or sex harassment and/or sexual violence allegations, appropriate corrective action will be taken to prevent the recurrence of any discrimination or harassment.

Upon the: 1) the Title IX Coordinator’s receipt of the complaint; 2) the Coordinator’s initial meeting with the Complainant; or 3) the Coordinator’s determination that an informal resolution of the Complainant’s complaint is no longer feasible—whichever is later—the Title IX Coordinator shall decide whether the complaint states a potential Title IX Complaint and shall notify the Complainant in writing of her/his determination.

If the Title IX Coordinator determines that the allegations of the complaint state a potential violation, the Title IX Coordinator will notify the Complainant that the complaint has been accepted and will thereafter provide written notice to the Respondent of the complaint’s allegations. In addition to notice of the complaint being provided to the Respondent, the Title IX Coordinator shall provide notice to the Respondent’s immediate supervisor (non-student) or the Commandant’s Office (in the case of a student), as the case may be.

If the Title IX Coordinator determines that the allegations of the complaint do not state a violation of VFMAC policy or federal or state laws, the Title IX Coordinator will provide written notice of that decision to the Complainant. The notice shall explain why the complaint does not state such a violation.

D. Complaint Investigation

All complaints will be investigated to assure a resolution that is consistent with the facts discovered. The term investigation refers to the process that VFMAC uses to resolve Title IX complaints. This includes all fact-finding actions and other processes to determine whether the conduct occurred, and what measures will be undertaken to address the hostile environment, or prevent its recurrence, which may include imposing sanctions on the perpetrator, and/or providing remedies for the Complainant or the broader campus community.

VFMAC's investigation will be adequate, reliable, impartial, and prompt and will include the opportunity for both parties (Complainant and Respondent) to present witnesses and other evidence. The investigation may include, but is not limited to, conducting interviews with the Complainant, Respondent, and additional witnesses; reviewing law enforcement investigation documents; reviewing student/employee personnel files if applicable, and gathering and examining other relevant documents or evidence.

All interviews will be documented. Parties and witnesses will be informed that their statements will remain confidential to the extent allowed by law. The Complainant and Respondent will not be allowed to personally question or cross-examine each other during the investigation, or any subsequent disciplinary proceedings.

All evidence will be reviewed using a preponderance of the evidence standard (e.g. is it more likely than not that a violation of VFMAC policy and/or federal or state law has occurred).

E. Report of Findings and Recommendation – Complaints Against Non-students

The investigation and final report of Title IX complaints by employees against employees will ordinarily be investigated and handled by the HR Department, and these procedures will not ordinarily apply. The investigation and final report of Title IX complaints by students or cadets against non-employees will ordinarily be handled by the Title IX Coordinator or Deputy Coordinator pursuant to these Title IX procedures. An investigation and Report in either scenario will normally be concluded within fifty (50) days by the Title IX Coordinator or a Deputy Title IX Coordinator. The investigation and the issuance of the draft report shall normally be concluded within forty (40) days of the filing of the written complaint, at which time the investigating Title IX Coordinator shall issue a draft report of findings and conclusions to the VFMAC Title IX Coordinator/Deputy Coordinators who were not assigned to investigate the complaint.

Within five (5) days, the Title IX Coordinator/Deputy Coordinators who receive the draft Report of findings and conclusions shall ordinarily review and provide comment on the draft Report to the submitting Title IX Coordinator, before the Report is finalized. The investigating Title IX Coordinator shall then ordinarily finalize the Report of findings and conclusions within five (5) days and provide it to the Respondent's supervisor/department head and the Director of Human Resources. The investigating Title IX Coordinator shall also provide written notice of the outcome of the investigation to both the Complainant and the Respondent.

The final Report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

If a complaint is directed against a supervisor/department head who would otherwise act on a complaint, the function assigned to that supervisor/department head will be delegated to the next level supervisor in the Respondent's line of supervision. The final Report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

If the final Report concludes that a violation of VFMAC policy and/or federal or state law occurred, within ten (10) days following receipt of the final Report of findings and recommendation, the Director of Human Resources will determine a disciplinary action that is appropriate for the severity of the conduct.

Disciplinary action may include, but is

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not limited to, sexual harassment, non-retaliation and/or managerial training, a letter of reprimand, a formal letter of apology to the Complainant, a reduction in administrative duties (e.g. removal as chair of department), unpaid suspension and/or termination of employment, which will be taken in accordance with applicable VFMAC policies and procedures.

The supervisor/department head shall communicate the discipline decision in writing to the Title IX Coordinator, and the Title IX Coordinator shall provide written notice to the parties of the outcome of the investigation.

F. Report of Findings and Recommendation – Complaints Against Students

The investigation ordinarily will be conducted by the Title IX Coordinator or a Deputy Title IX Coordinator. An investigation and Report in either scenario will normally be concluded within fifty (50) days by the Title IX Coordinator or a Deputy Title IX Coordinator. The investigation and the issuance of the draft report shall normally be concluded within forty (40) days of the filing of the written complaint, at which time the investigating Title IX Coordinator shall issue a draft report of findings and conclusions to the VFMAC Title IX Coordinator/Deputy Coordinators who were not assigned to investigate the complaint.

Within five (5) days of their receipt, the Title IX Coordinators/Deputy Coordinators who receive the draft report of findings and conclusions shall ordinarily review and provide comment on the draft report to the investigating Title IX Coordinator before the report is finalized. Following which, the investigating Title IX Coordinator shall finalize the Report and provide the final Report of findings and conclusions to the Commandant of Cadets, the Dean of the College (for College students)/Head of the Academy (for Academy students), while simultaneously transmitting a written notice of the outcome of the investigation to the Complainant and the Respondent. The final Report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

Within three (3) days of receipt of the final Report from the assigned Title IX Coordinator, the Commandant of Cadets shall confer with either the Dean of the College (for College students) pursuant to standards of accreditation or Head of the Academy (for Academy students), regarding the Title IX Coordinator's Report and recommendations to determine what, if any, disciplinary sanction should be imposed upon the Respondent. The Commandant of Cadets shall be required to confer with the Dean of the College if the investigation and/or sanctions involve a College student or the Head of the Academy if involving an Academy student. Additionally, the Commandant shall confer with the US Army Professor of Military Science (PMS) if the investigation and/or sanction involves a student within the Army ROTC or Early Commissioning Program.

The Commandant and the Dean of the College/Head of the Academy/Professor of Military Science must accept as final and non-reviewable the findings of fact and

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conclusions contained within the Title IX Coordinator's Report as to whether a violation of VFMAC policy or applicable federal/state law has occurred. Disciplinary sanctions may include, but are not limited to, sexual harassment and non-retaliation counseling, formal reprimand, disciplinary probation, suspension and dismissal.

The Commandant shall ordinarily issue a written determination regarding the decision on the imposition of disciplinary sanctions within three (3) days following receipt of the Title IX Coordinator's final Report. The Commandant will simultaneously transmit the disciplinary decision to the Complainant and the Respondent. If the Commandant fails to issue a disciplinary decision within three (3) days of the receipt of the Title IX Coordinator's final Report, the disciplinary recommendation within the Report ordinarily will be deemed approved and shall be implemented.

If the Title IX Coordinator's final Report and/or the Commandant's disciplinary decision results in a recommendation of dismissal, the recommendation shall ordinarily be forwarded to the VFMAC President, who retains final dismissal authority. The President, or his/her designee, shall ordinarily issue a written determination in regard to a dismissal decision within seven (7) days following

receipt of the dismissal recommendation.

In the event that the Title IX Coordinator's Report finds that there has been no sex or gender-based harassment, discrimination, or sexual violence, the Commandant of Cadets shall review the final Report for possible violation of other VFMAC policies that have occurred, consistent with the procedures set forth in the Guidon.

VFMAC will take necessary steps to prevent the recurrence of any sexual discrimination or harassment found to exist.

In all disciplinary proceedings initiated pursuant to this Policy, the Complainant will be provided with the same procedural protections provided to the Respondent, including but not limited to the right to:

- a. appeal the determination of the Commandant; b. notice of the outcome of the complaint and any appeal.

As required by Federal law, any disclosure of the findings and decision in regards to student disciplinary proceedings will be governed by the provisions of the Family Educational Rights and Privacy Act.

G. Appeal Procedure

Either a Complainant or a Respondent may file an appeal of either the investigative Report of the Title IX Coordinator or the discipline sanction imposed by the Commandant/President by filing a written appeal with the Title IX Coordinator within five (5) days of receipt of the decision being appealed. By way of example, an appeal of the Title IX Coordinator's final Report may be filed prior to the Report being reviewed by the Commandant. Similarly, the disciplinary decision of the Commandant and Dean of

the College/Head of the Academy/Professor of Military Science may also be appealed. However, a party may not appeal both the Title IX Coordinator's final Report and the disciplinary sanction imposed by the Commandant/President in

one appeal. In the event that no timely appeal is taken to either the Title IX Coordinator's final Report and/or the Commandant's disciplinary decision, those decisions are final and unappealable. Any appeal taken is limited to the following grounds for appeal, which must be set forth in the written appeal filed with the Title IX Coordinator:

- 1) the Title IX Coordinator or his designee or the Commandant of Cadets, Dean of the College (College students), Head of the Academy (Academy students), Professor of Military Science (ROTC/ECP students) as the case may be, exhibited unfair bias which influenced the decision rendered; 2) the discovery of new evidence which (i) was unavailable at the time of the decision being appealed, and (ii) could substantially alter the decision rendered;
- 3) substantial error in the conduct of the investigation or decision of the Commandant of Cadets or the Dean of the College (College students), Head of the Academy (Academy students), Professor of Military Science (ROTC/ECP students) which may have denied fundamental fairness to the appealing party; or 4) the sanctions recommended or imposed substantially and materially depart from the standards of VFMAC for the type of offense involved.

The appeal shall be in writing and contain all grounds for the appeal. Upon receipt of an appeal, the Title IX Coordinator shall promptly forward a copy of the appeal to the President of VFMAC. The President of VFMAC may decide the appeal or appoint a designee to hear and decide the appeal. Ordinarily, within ten (10) days of the receipt of the appeal, the President or the President's designee, shall issue a written decision on the appeal to the parties, the Title IX Coordinator, and the Director of Human Resources (non-student appeals) or the Commandant of Cadets (student appeals). The decision shall include the following: (i) a summary of the grounds for appeal, (ii) whether the grounds for appeal are accepted or rejected, (iii) the decision to uphold, reverse, or amend the decision being appealed, along with the grounds for such decision, and (iv) if the decision subject to appeal is reversed, the resolution of the matter. The President's decision shall be final and unappealable.

H. Confidentiality and Complainant Requests

While students (or parents of minor students) may request that the student's name not be disclosed to the Respondent or that no investigation or disciplinary action be pursued to address the alleged Title IX violation, there are situations that VFMAC in compliance with federal Title IX legislation must override the confidentiality request to fulfill its Title IX obligations.

For Title IX purposes, if a student requests that his or her name not be revealed to the Respondent or that the incident not be investigated or no disciplinary action taken against the Respondent, the Title IX Coordinator will notify the student that honoring their request may limit VFMAC's ability to fully respond to the incident, including pursuing

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disciplinary action. The Title IX Coordinator will review with the student that Title IX policy includes protections against retaliation, and that VFMAC will not only take steps to prevent retaliation, but will take strong responsive action if it occurs.

VFMAC will, to the extent practicable, limit disclosure of the Title IX incident, investigation, and findings to individuals responsible for handling the school's response or, as applicable, law enforcement authorities. Regardless of any requests for confidentiality, VFMAC will take appropriate steps to protect the Complainant as necessary, to include taking interim measures before the final outcome of the investigation.

I. Interim Protective Measures

At times, the Title IX Coordinator/Deputy Coordinator may deem it necessary to implement protective means before or during an investigation to protect the rights and interests of the Complainant and/or the Respondent. Those measures may be designed to reduce or eliminate contact between the Complainant and Respondent so that both parties feel safe in their work or educational environment. Protective measures may also guard against further actual or perceived discrimination or retaliation.

Interim measures may include, but are not limited to, temporary changes in working conditions (e.g. changes in supervisor, shift, job site, or office location), changes to course schedule or living arrangements, directives to the Complainant and Respondent to avoid personal contact or refrain from such contact without a third party neutral person present, and in severe cases interim suspension

J. Effect of Criminal Proceedings

Because sexual violence may constitute a violation of Title IX, VFMAC policy, and criminal activity, VFMAC strongly encourages individuals to report alleged incidents of sexual violence to VFMAC authorities and local law enforcement. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are not determinative of whether sexual violence, for purposes of this Policy, has occurred. In other words, conduct may constitute sexual assault under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

The filing of a complaint of sexual violence under this Policy is independent of criminal investigation or proceeding, and except when VFMAC's investigation may be delayed temporarily while criminal investigators are gathering evidence, VFMAC will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and may take interim measures to protect the Complainant and the VFMAC Community, if necessary.

K. Retaliation or Reprisals is Prohibited It is contrary to Title IX, federal and state civil rights laws, and VFMAC policy, to retaliate against any person for asserting his/her civil rights, including filing a claim of discrimination or participating as a witness in an investigation. Retaliation or reprisals against any participant in an investigation will not be tolerated by VFMAC. Retaliation against a person who files a claim of discrimination (including sexual harassment or sexual assault) is grounds for a

subsequent claim by that person. If a person believes that he or she has been retaliated against as a result of filing a grievance or participating in the investigation of a grievance, he or she may pursue a separate complaint charging retaliation.

L. Filing of False Complaints

Any employee or student who knowingly and/or intentionally files a false Title IX complaint under this procedure is subject to disciplinary action up to and including dismissal from VFMAC or termination of employment.

M. Time Frames

Time frames referenced in these policy may be extended by the Title IX Coordinator for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint. In all cases, extension of timelines will be noted in writing by the Title IX Coordinator.

N. Title IX Grievance Procedures

This procedure shall constitute the grievance procedures for complaints alleging unlawful sex discrimination required under Title IX of the Education Amendments of 1972. As used herein, “complaint” is synonymous with “grievance”.

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