

ATA COLLEGE

TITLE IX NON-DISCRIMINATION & ANTI-HARASSMENT POLICY

Policy Statement

ATA College (“ATA”) is committed to providing a supportive learning and working environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex, sex stereotypes, sex characteristics gender, pregnancy status, or related conditions. ATA considers sex and gender 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.

Sex-based harassment, whether verbal, physical, or visual, which is based on sex is a form of prohibited sex discrimination. Sex-based harassment means harassment and other harassment on the basis of sex, and includes sexual assault, dating violence, domestic violence, and stalking. The specific definition of sex-based harassment, including examples of such conduct, are set forth below.

Title IX Statement

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." Further information about Title IX can be found at <https://www.justice.gov/crt/title-ix>.

Scope and Application¹

This policy is implemented to ensure compliance with local, state, and federal laws in alignment with existing ATA student and employee policies. The scope of this policy extends to all prohibited behaviors conducted by students, volunteers, external community members, employees, third-party contractors, guests, or any other third parties occurring under or in connection with ATA’s education program or activity in the United States, whether on or off campus, including but not limited to campus events, travel associated with an education program or activity, or any other ATA-sponsored education program or activity. ATA will also address complaints of sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the ATA’s education program or activity or outside the United States.

¹ See Appendix A for a list of relevant definitions that apply to this policy and the Formal Grievance Policy.

Notice of Non-Discrimination

ATA does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please report to ATA’s Title IX Coordinator and follow the procedures outlined in the Grievance Policy.

Inquiries about Title IX may be referred to ATA’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

It is the policy of ATA for instances of alleged sex discrimination occurring on or after August 1, 2024, to comply with the regulations effective August 1, 2024, implementing Title IX of the Education Amendments of 1972, which prohibit discrimination based on sex in ATA’s educational programs and activities. For alleged issues occurring prior to August 1, 2024, regardless of when reported, ATA will address those alleged issues under the Title IX policy in effect prior to August 1, 2024. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination.

Roles and Responsibilities of Title IX Coordinator

ATA has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination: Ms. Angela Teague, Accreditation & Compliance Officer, (918) 496-0800, ateague@ata.edu

Anyone wishing to make a report relating to sex discrimination or sex-based harassment may do so by reporting the concern to the school’s Title IX Coordinator or Deputy Title IX Coordinator.

Individuals experiencing harassment or discrimination also have the right to file a formal grievance with the United States Department of Education:

U.S. Department of Education
Office for Civil Rights (“OCR”)
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone – 800-421-3481
Fax – 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov
Web: <https://ocrcas.ed.gov/contact-ocr>

Title IX Coordinator

The Title IX Coordinator oversees compliance with all aspects of this policy. Specifically, the Title IX Coordinator is responsible for coordinating the dissemination of information and education and training programs to: (1) assist members of the ATA community in understanding that sex

discrimination is prohibited by this policy; (2) ensure that investigators are trained to respond to and investigate complaints of sex discrimination; (3) ensure that faculty, staff, and students are aware of the procedures for reporting and addressing complaints of sex discrimination; and (4) coordinating responses to all complaints involving sex discrimination.

The Title IX Coordinator oversees implementation and enforcement of the Grievance Policy, which includes primary responsibility for coordinating ATA's efforts related to the intake, investigation, resolution, and implementation of complaints and the provision of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. When notified of conduct that reasonably may constitute sex discrimination under the Grievance Policy, the Title IX Coordinator must take the following actions:

1. Treat the complainant and respondent equitably;
2. Offer and coordinate supportive measures;
3. Offer an informal resolution process if available and appropriate;
4. Initiate the Formal Grievance Process in response to a complaint;
5. Make a fact-based determination on whether to initiate a complaint of sex discrimination in situations where no complaint is filed or the complaint is withdrawn when there may be a risk of ongoing safety concerns if not addressed by ATA; and,
6. Regardless of whether a complaint is initiated, take other appropriate, prompt, and effective steps to ensure that sex discrimination does not continue or recur within the ATA's education program or activity.

Deputy Title IX Coordinator

The Deputy Title IX Coordinator is responsible for managing the day-to-day tasks associated with the operations of this policy at their respective locations. The Deputy Title IX Coordinator participates in collaborative and coordinated efforts with the Title IX Coordinator in monitoring, grievance processes, training, outreach, and information reporting. The Title IX Coordinator has designated the following Deputy Title IX Coordinators to receive inquiries regarding Title IX, including reports or complaints of alleged sex discrimination:

Ms. Ali Jones, Campus Director-Cincinnati, (513) 671-1920, ajones@ata.edu

Mr. Mark Gutmann, Campus Director-Ft. Myers, (239) 834-6500, mgutmann@ata.edu

Ms. Ellie Mikel, Campus Director-Louisville, (502) 371-8383, emikel@ata.edu

Mr. Don Webb, Campus Director-Spring Hill, (352) 684-3007, dwebb@ata.edu

Mr. Richard Dixon, Campus Director-Tulsa, (918) 496-0800, rdixon@ata.edu

Others' Responsibilities Under This Policy

- *Supervisors*
 - It is the responsibility of those employees who formally supervise faculty, staff or employees to:

- Inform employees under their direction or supervision of this policy;
 - Ensure new and existing employees promptly receive required Title IX training;
 - Implement any corrective actions that are imposed as a result of findings of a violation of this policy.
- *Employees*
 - If an employee of ATA receives any oral or written reports, witnesses, or otherwise learns of conduct that reasonably may constitute sex discrimination, the employee must (i) promptly notify the Title IX Coordinator [or appropriate deputy Title IX Coordinator], or (ii) provide the person experiencing the conduct or providing such information the contact information of the Title IX Coordinator.
 - Certain ATA employees have an obligation to report to the Title IX Coordinator when they have information about conduct that reasonably may constitute sex discrimination. These employees include employees in ATA or campus leadership positions, faculty members and staff who serve as student advisors.
 - It is the responsibility of all employees to review this policy and comply with it.
 - *Students*
 - It is the responsibility of all students to review this policy and comply with it.
 - *ATA*
 - When ATA is aware that a member of the ATA community may have been subjected to or affected by conduct that reasonably may violate this policy, ATA will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the suspected sex discrimination. In doing so, ATA will act in accordance with its Grievance Policy.

Record Keeping

ATA shall create, and maintain for seven (7) years, records of any actions (including any supportive measures) taken in response to a report or complaint of sex discrimination. ATA records shall include:

- For each report the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the ATA took to meet its obligations under Title IX and this policy;
- For each complaint of sex discrimination records including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any supportive measures provided to the complainant;
- Any appeal and the result therefrom;
- Any informal resolution; and
- All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

Training

ATA will ensure that its personnel receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX and this policy.

All employees shall be trained on the definition:

- The scope of conduct constituting sex discrimination;
- The definition of sex-based harassment;
- ATA's obligation to address sex discrimination in its education program or activity; and,
- Notification obligations.

In addition, employees and other individuals who also serve as investigators, decisionmakers, and responsibility for implementing the ATA Grievance Policy or who can modify or terminate supportive measures, must receive the following training:

- The ATA Grievance Policy and obligations thereunder, including hearings, appeals, and informal resolution process, as applicable;
- The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance; and,
- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, bias, and sex stereotypes.

Grievance Procedures for Responding to Complaints

Please refer to ATA's Grievance Policy. [<https://www.ata.edu/disclosures/>]

Anti-Retaliation Policy

ATA prohibits retaliation, including peer retaliation, in its education program or activity. Retaliation under this policy includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or its applicable regulations, or because the individual made a report or complaint, testified, assisted, or participated in or refused to participate in any manner in an investigation, proceeding, or hearing afforded by any process outlined in this policy. Any retaliation complaints should be reported to the Title IX Coordinator or Deputy Title IX Coordinator.

Examples of retaliation may include:

1. Threats of reprisals;
2. Actions/behavior directed at the person outside of the norm occurring after a report is filed;
3. Changes in job duties, job location, or work schedules;
4. Unreasonable changes in academic expectations;
5. Withholding scholarships, salary, or other sources of income;
6. Altering grades or scoring rubrics after a report is filed;
7. Denial of a tool or training that will assist in the ability to perform a job or achieve academic success;
8. Unwarranted verbal or written reprimands.

Exercising rights protected under the First Amendment does not constitute retaliation. Likewise, charging an individual for making a materially false statement in bad faith during an investigation does not constitute retaliation.

Concerns about retaliation should be addressed by contacting the Title IX Coordinator.

Supportive Measures

ATA will offer and coordinate reasonable supportive measures as appropriate and without fee or charge for the complainant and/or respondent to restore or preserve that person's access to ATA's education program or activity, or to provide support during ATA's formal or informal resolution process to minimize disruption to that party's participation in an education program or activity. Supportive measures are available to a complainant regardless of whether they wish to pursue any formal or informal resolution process outlined in this policy. Additionally, supportive measures outlined in this policy are available to all ATA community members, regardless of whether the discrimination or harassment they have experienced occurred during or prior to their joining our community. Supportive measures implemented by ATA will not impose an unreasonable burden on either party, and they will not be imposed for punitive or disciplinary reasons. ATA will engage in a fact-specific inquiry to determine whether supportive measures constitute an unreasonable burden on a party.

ATA will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure, restore or preserve a party's access to the education program or activity, or one of the exceptions to the disclosure of personally identifiable information in Section IV of the Grievance Policy applies. The Title IX Coordinator may consult with the ATA employee charged with ADA compliance responsibilities if complainant or respondent has a disability.

Supportive measures may include:

1. Counseling;
2. Reasonable academic accommodations (e.g., extending deadlines or other course-related adjustments);
3. Campus escort services;
4. Increased security and monitoring of certain areas of the campus;
5. Ordering the complainant and respondent to have no further contact with each other and/or other third parties;
6. Leaves of absence;
7. Modifying class schedules, extracurricular activities, or working arrangements;
8. Providing training and education programs related to sex-based harassment.
9. Any other measure which can be tailored to the involved individuals to achieve the purposes and goals of this policy.

ATA may modify or terminate previously approved supportive measures based on the changed circumstances of the parties and/or the procedures invoked by this policy. Such modifications or

terminations may be requested by the party they apply to or made at the recommendation of the Title IX Coordinator.

A complainant or respondent may appeal any decision to provide, deny, modify, or terminate supportive measures applicable to them within five (5) business days of the decision being made. Appeals must be submitted in writing to ATA's Title IX Coordinator and must include a statement as to why the implementation, denial, modification, or termination of the supportive measures fails to restore the requesting party's access to ATA's education program or activity. A complainant or respondent's appeal will be reviewed by a neutral employee of ATA designated by the Title IX Coordinator who has authority to modify or reverse decisions regarding supportive measures.

ATA COLLEGE

TITLE IX GRIEVANCE POLICY

I. Scope and Application

ATA has implemented this policy to ensure compliance with applicable local, state, and federal non-discrimination laws in alignment with ATA's existing student and employee policies.

The scope of this policy extends to all prohibited behaviors conducted by students, volunteers, external community members, employees, third-party contractors, guests, or anyone doing business with ATA on or off campus, including but not limited to campus events, travel, or any other ATA-sponsored event. ATA is committed to providing a work environment, education programs, and activities free of unlawful harassment and discrimination, and will provide a prompt, fair, and impartial process to address complaints of alleged sex discrimination.

II. Definitions

Please refer to Appendix A for definitions applicable to this Grievance Policy and the Title IX Policy.

III. Prohibition on Knowingly Making False Statements

ATA is committed to creating a safe environment where reporting of conduct that reasonably may constitute sex discrimination is encouraged. ATA:

- A. Expects individuals to provide truthful information in any report, interview, meeting or proceeding under this policy.
- B. Requires an individual to act in good faith when reporting acts that reasonably may violate this policy or when serving as a witness in a Formal Grievance Process. Providing or submitting false or misleading information in bad faith is prohibited and such conduct may be disciplined under the relevant ATA policies and procedures. Reports made or information provided in good faith, even if the facts are later unsubstantiated, will not be subject to disciplinary consequences.

IV. Privacy of the Grievance Process

The Formal Grievance Process will remain private to the extent permissible by law. ATA cannot guarantee privacy in all situations and will balance privacy and other competing interests on a case-by-case basis. Formal Grievance Process records may be produced subject to a lawful subpoena.

Parties and witnesses shall not disseminate or otherwise disclose information or evidence obtained solely through their participation in a Formal Grievance Process. ATA will address any violations under its code of conduct.

ATA will not disclose personally identifiable information it has obtained in its enforcement of this policy except where (i) ATA has obtained prior written consent from an individual with a legal right to consent to disclosure; (ii) the information is disclosed to a parent, guardian, or other authorized

legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; (iii) necessary to carry out the purposes of this policy, including action taken to address conduct that reasonably may constitute sex discrimination in ATA's education program or activity; (iv) as required by federal law or regulation; or, (v) to the extent such disclosures are not otherwise in conflict with Title IX, when required by state or local law or when permitted under FERPA.

V. Reports and Complaints

A. Initiating a Report or Complaint

Any (i) student, (ii) employee, (iii) other person participating or attempting to participate in ATA's education program or activity at the time of the alleged sex discrimination, or (iv) the Title IX Coordinator, may submit a formal complaint to initiate grievance procedures for the prompt and equitable resolution of alleged sex discrimination.

1. As used in this policy, a "complaint" is a written document submitted and signed by the complainant or signed by the Title IX Coordinator alleging sex discrimination that requests ATA investigate the allegation(s) under this policy. The complaint must be signed (physical or digital) by the complainant or the Title IX Coordinator. The complainant must be participating in or attempting to participate in the education program or activity of ATA to file a complaint.
2. ATA will respond promptly and effectively if it acquires knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity. Under this policy, the Title IX Coordinator will address any oral or written statement that the Title IX Coordinator objectively understands to request that ATA investigate and respond to alleged sex discrimination.
3. ATA may acquire knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity through a complaint filed with the Title IX coordinator in person, by mail, or by electronic mail at any time (including during non-business hours), using the contact information below:

Ms. Angela Teague, Accreditation & Compliance Officer, (918) 496-0800,
ateague@ata.edu

4. ATA may also acquire knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity through reports made by:
 - a. Any person irrespective of whether the reporting person is the alleged victim of such conduct; or
 - b. Certain ATA employees that have an obligation to report to the Title IX Coordinator when they have information about conduct that reasonably may constitute sex discrimination. These employees include employees of ATA or individuals in campus leadership positions, faculty members, and staff who serve as student advisors.
5. If a complainant makes a report anonymously, it will be investigated by ATA to the extent possible, both to assess the underlying allegation(s) and to determine if supportive

measures can be provided. Anonymous reports typically limit ATA's ability to investigate and respond, depending on what information is shared. In some situations, the Title IX Coordinator may proceed with the issuance of a complaint even when the complainant's report has been made anonymously.

6. If the Title IX Coordinator is informed of information that reasonably may constitute sex-based harassment or that is shared by an individual during a public event to raise awareness about sex-based harassment on a ATA campus or through an online platform sponsored by ATA, such a situation does not require the Title IX Coordinator to take action unless there is indicia of an imminent and serious threat to the health and safety of a complainant, students, employees, or other persons.
7. Employees are not obligated to report incidents of discrimination or harassment that they have personally been the target of, and student-employees are only obligated to report information they learn within the context of their employment. If an employee has a question about whether to report conduct, they should consult the Title IX Coordinator.
8. The Title IX Coordinator has no obligation to act where the Title IX Coordinator reasonably determines that the conduct as alleged does not constitute sex discrimination.

B. Documenting the Complaint

If the Title IX Coordinator receives information about conduct that reasonably may constitute sex discrimination, and the Title IX Coordinator determines that the report merits further review, the Title IX Coordinator will conduct an initial outreach to the complainant to offer supportive measures and the ability to schedule a meeting to explore potential resolution options.

1. If a complainant fails to respond to outreach from the Title IX Coordinator within fourteen (14) days or informs the Title IX Coordinator that they are not interested in pursuing further action, the case will be marked as resolved and the complainant notified of their right to reopen the case at any point in the future.
2. If the complainant meets with the Title IX Coordinator, the initial conversation will be documented by the Title IX Coordinator and will be maintained within the official records of the Title IX Office. If a complaint/report is resolved on that documentation only, the complainant may at a future date choose to request modifications to any supportive measures received or to move forward with either a formal or informal resolution process.
3. If a report contains information suggesting there may be an ongoing safety or health concerns if not addressed by ATA, or the alleged conduct prevents ATA from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator will undertake a fact-based assessment to determine whether to initiate a formal resolution process even if a complainant only wishes to have their concerns documented. The Title IX coordinator must consider the following factors:
 - a. The complainant's request not to file a formal complaint;
 - b. The complainant's reasonable safety concerns regarding the filing of a formal complaint;
 - c. The risk of future incidents of discrimination or harassment if a formal complaint is not filed;

- d. The severity of the alleged behavior in the report;
- e. The relationship between the parties, including whether the respondent is an employee of ATA;
- f. The scope of the allegations or the existence of prior reports demonstrating concerns of on-going or a pattern of discrimination or harassment;
- g. The ability of ATA to gather evidence to substantiate the allegations, including whether the complainant or other witnesses are willing to participate in a formal or informal resolution process; and
- h. Whether there are alternative methods of ending the discrimination or harassment and preventing its recurrence available to ATA.

If the Title IX Coordinator decides to initiate a complaint, the Title IX Coordinator will notify the complainant prior to doing so and will address the complainant's reasonable concerns about the complainant's safety or the safety of others.

C. Timeframe

ATA strongly encourages individuals to report incidents that may be violations of this policy as soon as possible to maximize ATA's ability to respond promptly and equitably. Although there is no time limitation, the timing of when an alleged incident is reported may affect ATA's ability to investigate and respond to the report.

The Formal Grievance Process outlined in this policy will conclude within ninety (90) days from the filing of a complaint in most instances. ATA breaks, holidays, a party's need for disability-related accommodations, concurrent law enforcement activities, and/or unforeseen circumstances may impact this timeline. If the process must be delayed or extended, the Title IX Coordinator will provide the complainant and respondent with written notice. The Title IX Coordinator will also allow a reasonable extend timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

D. Emergency Removal

ATA reserves the right to remove a respondent from its education program or activities on an emergency basis if ATA determines after conducting an individualized safety and risk analysis that respondent poses an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination, and those allegations justify removal.

If an emergency removal is imposed, respondent will be given written notice of the removal and an opportunity to challenge the decision immediately following the removal. Emergency removal decisions are not subject to further appeal.

VI. Formal Grievance Process

A. Notice of Allegations

Upon receiving a written and signed complaint, the Title IX Coordinator will provide written notice of the allegations to complainant and respondent. The written notice will include:

1. This Grievance Process, including the informal resolution process;
2. Sufficient information, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination under this policy, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available and can be disclosed;
3. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and,
4. That retaliation is prohibited.

If the investigation uncovers new issues outside of the scope of the written notice, ATA will provide a supplemental written notice describing the additional allegations under investigation.

B. Treatment of Parties Participating in the Formal Grievance Process

ATA will:

1. Promptly investigate and respond to complaints of sex discrimination, including establishing reasonably prompt timeframes for the major stages of this Formal Grievance Process and allowing for the reasonable extension of timeframes on a case-by- case basis for good cause with notice to the parties that includes the reason for the delay;
2. Ensure that any person designated Title IX Coordinator, investigator, or decisionmaker is impartial and free of conflict of interest or bias;
3. Not consider an individual's status as a respondent as a negative factor. The respondent shall be afforded the presumption that the respondent is not responsible for the alleged sex discrimination until so found through this Formal Grievance Process;
4. Take reasonable steps to protect the privacy of the parties and witnesses during this Formal Grievance Process;
5. Provide parties the ability to: obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in this Formal Grievance Process;
6. Gather evidence and decide what is relevant or impermissible;
7. Objectively analyze only relevant evidence;
8. Not consider impermissible evidence and questioning on impermissible subjects;
9. Not make credibility determinations based on a person's status as a complainant, respondent, or witness;
10. Follow this Formal Grievance Process before the imposition of any disciplinary sanctions;
11. Provide remedies to a complainant only if this Formal Grievance Process results in a determination that the respondent is responsible for sex discrimination;
12. Make reasoned decisions based on the preponderance of the evidence; and
13. Offer Supportive Measures.

Under this Formal Grievance Process, the decisionmaker may be the same person as the Title IX Coordinator or investigator.

As used in this Formal Grievance Process, evidence is “relevant” when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred, and questions are “relevant” when they seek evidence that may aid in showing whether the alleged sex discrimination occurred.

As used in this Formal Grievance Process, “impermissible evidence,” regardless of relevance, includes: (i) information that is privileged under federal or state law unless the party has waived their privilege over such information; (ii) records maintained by a physician, psychologist, or other recognized professional providing treatment to the party or witness unless the party or witness has consented to the use of such records in the Formal Grievance Process; and, (iii) information about the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

C. Dismissal of Complaints

ATA may dismiss a complaint of sex discrimination where:

1. It is unable to identify the respondent after taking reasonable steps to do so;
2. The respondent is not participating in ATA’s education program or activity and is not employed by ATA;
3. Complainant voluntarily withdraws any or all of the allegations in the complaint and the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX or this policy even if proven; or
4. ATA determines after reasonable efforts to clarify the allegations with the complainant that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under this policy.

The Title IX Coordinator will offer complainant supportive measures as appropriate. And if the respondent has been notified of the allegations and ATA dismisses the complaint under (3) or (4) above, the Title IX Coordinator will offer respondent supportive measures as appropriate.

Upon dismissal, ATA will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, ATA will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

ATA will notify complainant and respondent that complainant may appeal the dismissal of the complaint. If the dismissal is appealed, ATA will:

1. Notify the parties of the appeal and the allegations;
2. Implement appeal procedures equally for the parties, including providing the parties a reasonable and equal opportunity to make a statement in support of, or challenging the dismissal;

3. Ensure that the appeal decisionmaker is properly trained, and did not take part in an investigation of the allegations or dismissal of the complaint; and,
4. Notify the parties of the result of the appeal and the rationale for the result.

D. Consolidation of Complaints

ATA may consolidate complaints of sex discrimination when the allegations of sex discrimination arise out of the same facts or circumstances.

E. Investigation of Complaints

The Title IX Coordinator will assign a trained investigator to investigate the complaint. Under this process, ATA will provide for adequate, reliable, and impartial investigation of complaints. ATA will:

1. Conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred;
2. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
3. Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
4. Provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, or an accurate description of this evidence;
5. Provide each party with a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and,
6. Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through this Formal Grievance Process.

F. Assessing Credibility

The decisionmaker will 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 discrimination. If the decisionmaker is not persuaded by a preponderance of the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker must conclude that no sex discrimination occurred.

G. Determination of Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, ATA will use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred.

The decisionmaker will provide the parties with a written determination that includes the rationale for the decisionmaker's determination. In the written determination, the decisionmaker will inform the parties the procedures and permissible bases for appeal, if applicable.

Upon a determination that sex discrimination occurred, the Title IX Coordinator will (i) coordinate the provision and implementation of remedies to a complainant and other persons whose equal access to ATA's education program or activity was limited or denied by sex discrimination; (ii) at the conclusion of this Formal Grievance Process coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and (iii) take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within ATA's education program or activity.

ATA will not discipline a party, witness, or others participating this Formal Grievance Process for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

H. Appeal

Either party has the right to file an appeal of determination of the decisionmaker. Appeals are not a re-hearing of the facts of the case and must be limited in scope on the following bases:

1. The party has discovered new and relevant evidence that was not reasonably available at the time the determination was made that could alter the outcome.
2. Allegations that the decisionmaker deviated from the policy or procedure in a way that changed the outcome of the case.
3. Evidence that the Title IX Coordinator, investigator or decisionmaker was biased or had a conflict of interest, and such bias or conflict of interest changed the outcome of the case.

An appeal request must be made in writing to the Title IX Coordinator within ten (10) calendar days of the delivery of the written determination. The appeal request must include the basis for the appeal and all evidence in support of the request. The non-appealing party will receive a copy of the appeal and may respond within ten (10) calendar days.

Any discipline imposed will be suspended pending the outcome of the appeal. Sanctions will take effect upon the expiration of the deadline for an appeal or the conclusion of the appeal.

The Title IX Coordinator will assign a trained and impartial decisionmaker who was not previously involved in the Formal Grievance Procedure to hear the appeal.

The appellate decisionmaker may, after reviewing the appeal, deny the appeal without further process if the appeal is groundless—i.e., the appeal is not based on the grounds specified above. In this case, both parties will be notified of the decision, and the party who did not sue ATA at the appeal will be provided a copy of the appeal, but they will not need to provide any response.

The appellate decisionmaker will review the appeal materials submitted by both parties. The appellate decisionmaker may also choose to interview the investigator(s) and/or any other person that participated in the investigation and decision-making process but is not obligated to do so.

The appellate decisionmaker will make a final decision on the appeal within thirty (30) days of the filing of the appeal. The original decision may be upheld, reversed, or modified (which includes the possibility that different or additional sanctions may be imposed). Modification of sanctions can only place a greater burden on the respondent if the appeal was filed by the complainant. The

appellate decisionmaker may also refer the matter to the same or different investigator(s) for additional investigation and a new decision-making process.

The Title IX Coordinator will send a written notice to both parties of the decision on appeal. No further appeal process is available.

I. Complaints of Sex-Based Harassment Involving a Student Complainant or Student Respondent

The provisions of this Grievance Policy and this section shall apply to complaints of sex-based harassment involving a student complainant or student respondent. ATA will make a fact-based determination of whether this provision of the Grievance Policy applies to a complainant or respondent that is both a student and an employee, including consideration of whether the party's primary relationship with ATA is to receive an education and whether the alleged sex-based harassment occurred while the party was performing employment-related work.

1. Written Notice of Allegations. The written notice of the allegations must contain the information required in Section VI.A., along with the following additional information:
 - a. That respondent is presumed not responsible for the alleged sex-based harassment until a determination under this Formal Grievance Process. Prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
 - b. They may have an advisor of their choice who may be, but who is not required to be, an attorney;
 - c. They are entitled to an equal opportunity to access (i) the relevant and not otherwise impermissible evidence; or (ii) an investigative report that accurately summarizes this evidence and, upon request of a party, equal access to the relevant and not otherwise impermissible evidence; and,
 - d. Advisement, if applicable, that the ATA code of conduct prohibits a party from making false statements or knowingly submitting false information.

If the investigation discloses new issues outside of the scope of the written notice of allegations, ATA will provide a supplemental written notice describing the additional allegations under investigation.

ATA may reasonably delay providing the written notice of allegations if, after conducting an individualized safety and risk analysis and not based on mere speculation or stereotypes, ATA has reasonable concerns for the safety of any person because of providing this notice.

2. Dismissal of a Complaint. ATA simultaneously will provide the parties a written notice of dismissal disclosing the bases of dismissal under Section VI.C(1)-(4) of this Formal Grievance Policy. If the dismissal occurs before the respondent has been notified of the allegations, only the complainant will receive such written notice. If the complainant voluntarily withdraws the complaint or allegations, the Title IX Coordinator will obtain the complainant's withdrawal in writing.

3. Investigation. When investigating a complaint alleging sex-based harassment under this section, ATA will:
- a. Provide a party or person 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;
 - b. Provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice;
 - c. Provide the parties with the same opportunities to have persons other than the advisor of the parties' choice present during any meeting or proceeding;
 - d. Exercise discretion in allowing the parties to present expert witnesses and that any such determination will apply equally to the parties;
 - e. Allow for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay; and,
 - f. Allow each party and the party's advisor with an equal opportunity to access (i) the relevant and not otherwise impermissible evidence; or (ii) an investigative report that accurately summarizes this evidence and, upon request of a party, equal access to the relevant and not otherwise impermissible evidence.

ATA will determine in its discretion and on a case-by-case basis the extent to which an advisor may participate in proceedings under this section. Any restrictions imposed will apply equally to the parties.

The parties will have a reasonable opportunity to review and respond to the evidence or the investigative report prior to the determination whether sex-based harassment occurred.

ATA will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through proceedings under this section.

4. Live Hearing. ATA on its own motion or at the request of a party, and in its sole discretion, may decide to conduct a live hearing on a complaint of sex-based harassment under this section. The decision to conduct a live hearing is not subject to appeal. The procedures of Section VI.I. (1)-(6) above shall apply, and the decisionmaker:
- a. Will provide the parties the opportunity to review the evidence in advance of the live hearing;
 - b. May in the decisionmaker's discretion determine when a party will have the opportunity to respond to the evidence prior to the live hearing, during the live hearing, or both prior to and during the live hearing;
 - c. Will advise the parties of the process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses including questions challenging credibility;
 - d. Will question the parties and witness and will either in the decisionmaker's discretion (i) allow each party to propose questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker; or (ii) allow each party's advisor to ask any party or witness questions. The decisionmaker

will not allow advisor questioning if one party does not have an advisor. All questioning must be relevant and allowable under Section VI.I(5) above;

- e. Will decide whether to conduct the live hearing with the parties physically present in the same geographic location or conduct the live hearing with the parties physically present in separate locations, with technology enabling the decisionmaker and parties to simultaneously see and hear the party or the witness while that person is speaking. The decisionmaker shall approve a request of either party for a live hearing with the parties physically present in separate locations; and,
 - f. Will make arrangements to create an audio or audiovisual recording or transcript, of any live hearing and make it available to the parties for inspection and review.
5. Process for Questioning Parties and Witnesses. If ATA chooses not to conduct a live hearing, the decisionmaker will 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. Questioning of the parties and witnesses must take place as follows before the decisionmaker determines whether sex-based harassment occurred:
- a. Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
 - b. Allow each party to propose questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during any individual meetings with a party or witness; and,
 - c. Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.
6. Procedures for the Decisionmaker to Evaluate the Questions and Limitations on Questions. The decisionmaker must determine whether a proposed question is relevant and not otherwise impermissible, applying the criteria in Section VI.B, prior to the question being posed. The decisionmaker must explain any decision to exclude a question as not relevant or otherwise impermissible.
- The decisionmaker will not allow unclear or harassing questions. The decisionmaker will allow such questioning if the party sufficiently clarifies or revises the unclear or harassing question.
- The decisionmaker may choose to place less or no weight on a party or witness who refuses to respond to questions deemed relevant and not impermissible. But 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.
7. Written Determination. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, ATA will use the preponderance of the evidence

standard of proof to determine whether sex-based harassment occurred and issue a written determination.

The written determination will include: (i) a description of the alleged sex-based harassment; (ii) information about the policies and procedures that ATA used to evaluate the allegations; (iii) the decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred; (iv) any disciplinary sanctions imposed on the respondent, and whether remedies other than the imposition of disciplinary sanctions will be provided to the complainant, and, to the extent appropriate, other students identified as experiencing the effects of the sex-based harassment; and (v) procedures for the complainant and respondent to appeal under Section VI.H. of this Formal Grievance Policy.

J. The Informal Resolution Process

ATA may offer the parties to a complaint relating to sex discrimination or sex-based harassment under this Formal Grievance Process the opportunity to engage in informal resolution procedures, which may be pursued at any time prior to the resolution of a formal resolution process. If appropriate, ATA will notify the parties in writing of the availability of the informal resolution process and will require that both parties agree in writing to participate in an informal resolution process. ATA cannot require parties to participate in an informal resolution process, or require a party waive of the right to an investigation and determination of a complaint as a condition of enrollment or employment.

ATA has sole discretion to offer an informal resolution process to the parties and will consider each complaint on a case-by-case basis. The informal resolution process may not be appropriate when, among other reasons, ATA determines that the alleged conduct would present a future risk of harm to others.

Before initiation of an informal resolution process, ATA will provide to the parties notice that explains:

1. The allegations in the complaint;
2. The requirements of the informal resolution process;
3. That at anytime prior to resolution, a party can withdraw from the informal resolution process and initiate or resume the Formal Grievance Process; and,
4. That if the parties agree to a resolution at the conclusion of the informal resolution process they cannot initiate or resume the Formal Grievance Process on the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement;
6. That an informal resolution agreement is binding only on the parties; and,
7. The information that ATA will maintain and whether and how it could disclose such information for use in the Formal Grievance Process if proceedings on the complaint are initiated or resumed.

The Title IX Coordinator will assign a trained facilitator to lead the informal resolution process. The facilitator will have no conflict of interest or bias toward any party. The facilitator will not be the same person as the investigator or the decisionmaker.

Potential terms that may be included in an informal resolution agreement include but are not limited to:

1. Restrictions on contact; and
2. Restrictions on the respondent's participation in one or more of ATA's programs or activities or attendance at specific events, including restrictions ATA could have imposed as remedies or disciplinary sanctions had ATA determined at the conclusion of the Formal Grievance Process.

Even though an informal resolution process is provided, the Title IX Coordinator may appropriate prompt and effective steps to ensure that complained of conduct does not continue or recur within ATA's education program or activity.

APPENDIX A
DEFINITIONS

“Complainant” means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

“Complaint” means an oral or written request to Authorized Representative of ATA that objectively can be understood as a request for ATA to investigate and make a determination about alleged discrimination under Title IX or this policy. Actual knowledge that a violation has occurred is not required for a complaint to be made or for an investigation to be initiated.

“Party” means a complainant or respondent.

“Peer retaliation” means retaliation by a student against another student.

“Pregnancy or related conditions” means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation;
or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

“Respondent” means a person who is alleged to have violated this policy.

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by ATA, a student, or an employee or other person authorized by ATA to provide aid, benefit, or service under ATA’s programs or activities, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

“Sex-based harassment” is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*. An employee, agent, or other person authorized by ATA to provide an aid, benefit, or service under ATA’s program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
2. *Hostile environment harassment*. 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 ATA's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the recipient's education program or activity.
3. Specific offenses.
- a. *Sexual assault* meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. *Dating violence* meaning violence committed by a person:
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. The length of the relationship;
 2. The type of relationship; and
 3. The frequency of interaction between the persons involved in the relationship;
 - c. *Domestic violence* meaning felony or misdemeanor crimes committed by a person who:
 - i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
 - ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - iii. Shares a child in common with the victim; or
 - iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
 - d. *Stalking* meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i. Fear for the person's safety or the safety of others; or
 - ii. Suffer substantial emotional distress.

"Sex Discrimination" includes, but is not limited to:

1. Discrimination based on:
 - a. Pregnancy or related conditions;
 - b. Sexual orientation;
 - c. Gender identity;

- d. Sex stereotypes or characteristics; or
- e. Sex in connection with parental, family, or marital status
2. Excluding from participation, denying benefits, or otherwise be subjecting to discrimination any person based on sex in a manner that subjects them to more than de minimis harm, except with respect to:
 - a. Housing; and
 - b. Athletic teams.

“Student” means a person who has gained admission.

“Student with a disability” means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B).

“Supportive measures” means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party’s access to ATA’s education program or activity, including measures that are designed to protect the safety of the parties or ATA’s educational environment; or
2. Provide support during ATA’s grievance procedures or during an informal resolution process.