TITLE IX POLICY

Effective 8/14/2020

TITLE IX POLICY STATEMENT

Prism Career Institute (Prism) is committed to maintaining an educational and work environment free from discrimination and harassment based on age, race, color, sex, gender identity, sexual orientation, religion or creed, national or ethnic origin, or disability. Prism, in accordance with Title IX of the Education Amendments of 1972 and 34 C.F.R. Part 106, does not discriminate on the basis of sex, including in admissions and employment, nor will it permit or tolerate sex discrimination or sexual harassment against a student, employee, or other member of the Prism Community.

All students and employees are expected to comply with this Policy. Any inquiries regarding Title IX or Prism's Title IX Policy and Procedures can be directed to the Title IX Coordinator as provided below, the Office for Civil Rights, at the U.S. Department of Education, at www.ed.gov, or both.

This Policy has been developed to ensure Prism's compliance with Title IX, including the 2020 Title IX regulations issued by the U.S. Department of Education. This Policy does not specifically address any applicable state laws on sexual harassment. Prism retains the right to revise this Policy in light of any changes to applicable law. Policy is effective 8/14/20.

TITLE IX POLICY AND PROCEDURES

I. Policy

A. Notice

Prism will respond to a report of sexual harassment or allegations of sexual harassment that are received either by the Title IX Coordinator or by any official who has authority to institute corrective measures on behalf of Prism. These officials may include the Campus Director and Education Department. A report may include an oral report or a written complaint. Prism response will not be deliberately indifferent and will treat the parties equitably by offering supportive measures to a complainant and by following the investigation and resolution process described in this Policy before imposing any disciplinary sanctions or other measures against a respondent.

B. Definition of Sexual Harassment

For purposes of this Title IX Policy, sexual harassment is defined broadly to include any of three types of misconduct on the basis of sex:

1. any instance of quid pro quo harassment by an employee, i.e., where the employee conditions the provision of an aid, benefit, or service of Prism on an individual's participation in unwelcome sexual conduct;
2. any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
3. any instance of sexual assault (as defined in the Clery Act) or dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act).

C. Title IX Policy Occurring in Schools Education Program

This Policy applies to conduct or allegations of conduct that involve one or more Prism students or employees. To be covered by this Policy, the conduct or alleged conduct must have occurred either on campus or in a Prism-controlled program or activity, whether the program or activity is on-campus or off-campus. This Policy also applies to conduct in any building owned or controlled by Prism or by a student organization that is officially recognized by Prism, as well as to online and electronic conduct within an education program or activity.
However, this Policy applies only to conduct occurring against a person who is in the United States.

II. TITLE IX COORDINATOR

Any person may report sex discrimination or sexual harassment, which will initiate Prism's response, whether or not the person reporting is the person alleged to be the victim. Any person may report sex discrimination or sexual harassment at any time, including during non-business hours, by using the telephone number or e-mail address of the Title IX Coordinator, or by meeting with or sending a written complaint to the Title IX Coordinator at your campus. Reports may be anonymous if desired.

Title IX Coordinator
For Title IX Contact info please refer to Prism's school website at
https://www.prismcareerinstitute.edu/title-ix-information/

Employees may use the contacts below in addition to contacting the Title IX Coordinator "Integrity in Action" hotline at (855) 427-4878 or reportlineweb.com/prismeducation

III. DEFINITIONS

The following definitions apply under this Policy:

1. A “complainant” is an individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy.

2. A “respondent” as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

3. A “report of sexual harassment” is a complaint reported to the Title IX Coordinator, or to the student’s instructor who then gives notice as required to the Title IX Coordinator. A report may be oral and informal. Upon receiving a report of sexual harassment, Prism will offer supportive measures to the complainant as described in Part IV of this Policy. The complainant may file a formal complaint at the same time as making a report or may later proceed to file a formal complaint.

4. A “formal complaint” is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Prism investigate the allegation of sexual harassment. The filing of a formal complaint triggers Prism complaint resolution process described in Part V of this Policy.

IV. SUPPORTIVE MEASURES

Upon receiving a report of sexual harassment, Prism will offer supportive measures to the complainant. The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. Prism must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures will include individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. Supportive measures, among other things, may include:

1. academic support services and accommodations, including the ability to reschedule exams and assignments, transfer course sections, or withdraw from courses without penalty;
2. assistance in connecting to community-based counseling services;
3. assistance in connecting to community-based medical services;
4. assistance with obtaining personal protective orders;
5. mutual restrictions on communication or contact between the parties; or
6. a combination of any of these measures.

A complainant may, but is not required to, file a formal complaint that will initiate Prism’s complaint resolution process, including an investigation. The complainant’s wishes will be

respected regarding whether Prism investigates and whether their name is revealed, unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is necessary to fulfill Prism's obligations to provide a safe and nondiscriminatory environment for all community members. The Title IX Coordinator will make this determination consistent with the following considerations: 1) the seriousness of the conduct; 2) the respective ages and roles of the Reporting Party, and the Respondent; 3) whether there have been other complaints against the Respondent; and 4) the right of the Respondent to receive notice and relevant information before disciplinary action is sought.

Unless the formal complaint resolution process results in a determination that a respondent was responsible, Prism will not impose disciplinary actions or take any other actions under this Policy that are not supportive measures.

V. COMPLAINT RESOLUTION PROCESS

A. Institutional Obligations

Prism is committed to a prompt and equitable resolution process for resolving formal complaints of sexual harassment. At all stages of the complaint resolution process, Prism and its representatives will:

1. require objective evaluation of all relevant evidence, whether inculpatory or exculpatory;
2. avoid credibility determinations based on a person's status as a complainant, respondent, or witness;
3. provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
4. require Title IX personnel (including Title IX Coordinators, investigators, decision-makers) to be free from conflicts of interest or bias for or against complainants or respondents generally or in a specific matter;
5. train all Title IX personnel as required by the 2020 Title IX regulations and applicable state laws, including providing training on issues of relevance;
6. not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege;
7. not access or use any party's medical, psychological, or similar treatment records unless Prism first obtains the party's voluntary, written consent to do so;
8. not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders"); and
9. keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

B. Timeframes

Prism will attempt to complete the investigation and resolution process promptly, generally within 30 days. The process may be delayed or extended for good cause, such as the absence of parties or witnesses, concurrent law enforcement activity, or the accommodation of

disabilities. Prism will inform the parties in writing of the delay or extension and the reason(s) for the delay or extension.

C. Formal Complaints

A formal complaint filed by a complainant or signed by the Title IX Coordinator initiates Prism's formal complaint resolution process. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of Prism. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed above for the Title IX Coordinator and/or the Compliance Hotline listed above.

A formal complaint must include the complainant's physical or digital signature or otherwise indicate that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a complaint resolution process.

Upon receipt of a formal complaint, the Title IX Coordinator will promptly provide written notifications to all known parties. This notification will include the following information:

1. Notice of the allegations constituting potential sexual harassment, including all relevant details known at the time. These details will include, at a minimum, the identities of the parties involved in the incident(s), if known, the alleged conduct that could constitute sexual harassment, and the date and location of the alleged incident(s), if known.
2. A statement that the respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility is made at the conclusion of the complaint resolution process.
3. A description of Prism's complaint resolution process, including the rights and responsibilities of the parties during the investigation, hearing, and appeal process.
4. Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
5. Notice that during the investigation and hearing, the parties may inspect and review evidence that is directly related to the allegations raised in a formal complaint;
6. Notice that knowingly making false statements or knowingly submitting false information during the grievance process is a violation of the Policy.

If Prism decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided, notice will be provided of the additional allegations to the parties. Prism may, in its discretion, consolidate multiple formal complaints where the allegations arise out of the same facts.

If the allegations in a formal complaint are not within the scope of this Policy because they do not meet the Title IX definition of sexual harassment, or because the alleged activities did not occur in Prism's education program or activity against a person in the United States, then Prism must dismiss the formal complaint for purposes of Title IX. In such case, Prism will promptly send written notice of the decision to dismiss the complaint and the reasons for such decision to both parties. Even if the formal complaint is dismissed, however, Prism still may address the allegations as potential violations of Prism's Student Conduct Policy/Employee Code of Conduct.

C. Investigations

The Title IX Coordinator will designate one or more individuals to investigate the formal complaint (i.e., the Investigator). The Investigator will begin an investigation as soon as practicable and generally not later than 10 business days after the written notice of the formal complaint was delivered to all parties. The Investigator, however, will ensure that the respondent receives sufficient time to prepare prior to any initial interview.

The Investigator will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather information relevant to the complaint. The Investigator will send written notice of any investigative interviews, meetings, or hearings to the parties and their advisors, allowing each party adequate time to prepare in advance.

Prism strives to complete the investigation promptly, generally within 30 days. The investigative process may be delayed or extended for good cause, such as the absence of parties or witnesses, concurrent law enforcement activity, or the accommodation of disabilities. Prism will inform the parties in writing of the delay or extension and the reason(s) for the delay or extension.

The complainant, respondent, witnesses, and others sharing information with the Investigator are expected to provide all relevant and truthful information and to do so at their earliest opportunity to facilitate prompt resolution. Prism's students and employees remain subject to Prism's Student Conduct Policy/Employee Code of Conduct during investigations and may be subject to discipline for making false statements or knowingly submitting false information during the investigation.

1. Advisors

During the investigation process, each party will have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney. The advisor may assist with all written submissions made by a complainant or a respondent, may assist with preparing questions or other information for the complainant or the respondent to be used at the hearing, and may facilitate scheduling and other processes. During any meeting or proceeding, the advisor may be present to observe and provide support and counsel to the participant. With the exception of conducting cross examination at a hearing, the advisor may not present evidence on a party's

behalf, present argument, examine witnesses, testify, or disrupt or otherwise obstruct meetings or proceedings.

2. Coordination with Law Enforcement

If Prism is made aware that there is a concurrent criminal investigation, the Investigator will inform any law enforcement agency that is conducting its own investigation that Prism's investigation is also in progress. The Investigator will ascertain the status of the criminal investigation and determine the extent to which any evidence collected by law enforcement may be available to Prism in its investigation.

At the request of law enforcement, Prism may agree to temporarily defer part or all of its own investigation (or subsequent hearing) until after the initial evidence-gathering phase of the law enforcement investigation is complete. The Investigator will communicate with the parties, consistent with the law enforcement request and Prism's obligations, regarding procedural options, anticipated timing, and the implementation of any necessary interim measures.

3. Preliminary Report

Prior to completion of the investigative report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 Business days to submit a written response, which the investigator will consider prior to completion of the investigative report. When the investigation is complete, the Title IX Investigator will provide the parties with a preliminary report, which will include, as applicable, fairly summarize relevant information provided by the respondent, and each witness, and either a copy or written summary of any other information the Investigator deems relevant. The preliminary report will be provided in an electronic format that restricts the parties from downloading or copying the evidence. Each party will have 10 business days to review the preliminary report and to provide written feedback. Each party's written feedback, if any, will be attached to the final investigative report.

4. Final Investigative Report

After consideration of the parties' final responses to the preliminary report, or after 10 business days have elapsed without comment, the Investigator will prepare and send to the parties and to their advisors a final investigative report that fairly summarizes relevant evidence and that includes the parties' written feedback, if any. The report will be in electronic format or hard copy. The parties will have at least 10 business days after receipt of the final investigative report to prepare for the scheduled live hearing.

D. Informal Resolution

The purpose of the informal resolution process is to allow individuals who believe they have been harassed or discriminated against to resolve the issue through a voluntary consultation process rather than the formal resolution process provided by this Policy. At any time after a formal complaint has been filed and prior to reaching a determination regarding responsibility if

the Title IX Coordinator believes that the complaint may be amenable to informal resolution, the Title IX Coordinator will give notice to the parties of their ability to choose an informal resolution option. However, an informal resolution process may not be used to resolve allegations that an employee sexually harassed a student. Further, an informal resolution process may not be offered unless a formal complaint has been filed. Informal Resolution will not be used to address allegations that an employee sexually harassed a student.

The notice of the informal resolution option will include a statement of the allegations, a description of the informal resolution process and possible consequences (including that records will be maintained), and a statement that at any time prior to the finalization of an informal resolution decision, any party has the right to withdraw from the informal resolution process and resume the formal resolution process with respect to the formal complaint.

Each party has five business days to indicate in writing to the Title IX Coordinator if the party wishes to pursue the informal resolution option. If both parties give written, voluntary, and informed consent to the information resolution option within five business days, Prism will begin the informal resolution process.

Participation in the informal resolution process is completely voluntary. Prism does not require any party to participate in the informal resolution process. Each party has an unconditional right to withdraw from the informal resolution process and resume the formal resolution process.

Prism strives to complete the informal resolution process within 30 days of the Institute's receipt of the complaint under this Policy.

If an investigation previously was suspended when the parties chose the informal resolution process, the Investigator will complete the investigation and the parties will have 10 business days for preparation, from the time of receipt of the final investigative report to the time of the scheduled formal hearing. If the investigation was previously completed and the parties previously received the final investigative report, then from the time of the current formal hearing notice, the parties will have at least 10 business days for preparation prior to the time of the scheduled formal hearing.

E. Formal Hearing

When a complaint is not resolved informally, the Title IX Coordinator will notify the parties and help to make any needed accommodations for the formal hearing. The Title IX Coordinator will choose one or more individuals to conduct the formal hearing, who shall be designated the Decision-maker(s). Decision-maker(s) must be free from bias or conflict of interest and may not include the Title IX Coordinator or any person who served as the Investigator.
Live hearings may be conducted with all parties physically present in the same location or, at Prism's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. At the request of either party, Prism will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. In advance of the live hearing, the Decision-maker(s) will receive training on any technology to be used at the hearing.

1. Advisors

Hearings are closed to the public. Parties may be accompanied at the hearing by one advisor who may be, but need not be, an attorney. If a party does not have an advisor present at the hearing, then Prism will provide, without fee or charge to that party, an advisor of Prism's choice (who may be, but is not required to be, an attorney) to conduct cross-examination on behalf of that party.

2. Cross-examination

At the hearing, Prism will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. This cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Decision-maker(s) will first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant. The Decision-maker(s) will exclude as irrelevant any evidence regarding the complainant's sexual predisposition and prior sexual behavior unless this evidence is offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the Decision-maker(s) will not rely on any statement of that party or witness in reaching a determination regarding responsibility. In such case, however, the Decision-maker(s) will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

3. Standard of Evidence

The standard of evidence to determine responsibility in hearings under this Policy is the preponderance of the evidence standard, which means more likely than not. If this standard is not met, the respondent is presumed not responsible for the alleged conduct. Under the preponderance of the evidence standard, it is possible for an investigation, hearing and/or appeal to reach a determination that the evidence is not sufficient to establish, by a preponderance, that a violation of the Policy occurred.

4. Record of Hearing

Prism will create an audio or audiovisual recording, or transcript, of any live hearing and will retain this record for seven years after the hearing. No camera, TV, or other equipment, including cellphones, will be permitted in the hearing room except as arranged by Prism.

F. Written Determinations of Responsibility

Following the hearing, the Decision-maker(s) will consider all of the evidence and make a determination whether the evidence supports, by a preponderance, that the respondent violated the Policy. The Decision-maker(s) will issue a written determination regarding responsibility to the parties simultaneously. The written determination will include:

1. identification of the allegations potentially constituting sexual harassment;
2. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. findings of fact supporting the determination;
4. conclusions regarding the application of Prism's Student Conduct Policy/Employee Code of Conduct and/or Title IX Policy to the facts;
5. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions/remedies to be imposed, and whether remedies designed to restore or preserve equal access to Prism's education program or activity will be provided by Prism to the complainant; and
6. Prism's procedures and permissible bases for the complainant and respondent to appeal.

The Decision-maker(s) will strive to issue the written determination regarding responsibility within 14 business days after the hearing. Either party may appeal the determination by filing a written appeal, as described below, within 10 business days after receipt of the determination regarding responsibility. If no appeal is filed, the determination regarding responsibility becomes final 10 business days from the date of delivery to the parties.

The Title IX Coordinator is responsible for effective implementation of any sanctions or remedies required by the determination of responsibility. The list of potential sanctions or remedies includes one or more of the following:

For Students:

- Warning
- No-contact orders
- Removal from specific courses or activities
- Disciplinary probation
- Suspension
- Expulsion
- Transcript notation

For Employees:

- Warning
- Performance improvement plan
- Required training or education

- Loss of annual pay increase
- Suspension with or without pay
- Termination

G. Dismissals

Prism may dismiss the formal complaint or any allegations in the formal complaint if at any time:

1. the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any specific allegations in the formal complaint;
2. the respondent is no longer enrolled or employed by Prism; or
3. specific circumstances prevent Prism from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.

Prism will promptly send written notice of a dismissal and reason(s) simultaneously to the parties.

H. Appeals

Either party may appeal from a determination regarding responsibility, or from Prism's dismissal of a formal complaint or any allegations, on the following bases:

1. procedural irregularity that affected the outcome of the matter;
2. newly discovered evidence that was not reasonably available prior to the determination of responsibility that could affect the outcome of the matter; or
3. one or more of Prism's Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

A notice of appeal must be in writing and must be filed with the Title IX Coordinator within 10 business days after the delivery of the decision to be appealed. The notice of appeal must include the name of the complainant, name of the respondent, the decision or action being appealed, and an explanation of the grounds for appeal.

Upon receiving a notice of appeal, Prism will provide formal notice to the parties of the appeal. Each party will be given a minimum of 10 business days to provide a written statement supporting or challenging the appealed action.

The Title IX Coordinator will designate an Appeal Officer to hear and make a decision with regard to the appeal. The Appeal Officer must be free from bias or conflict of interest and must not be the Title IX Coordinator, the Investigator, or the Decision-maker(s).

As soon as is reasonably practicable, and generally within 14 Business days after receipt of the parties' written statements, the Appeal Officer will issue a written decision regarding the appeal simultaneously to both parties. The decision will describe the result of the appeal and the rationale for the decision. The decision of the Appeal Officer is final.

VI. RETALIATION PROHIBITED

Retaliation against any person who files a complaint, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited. This Policy prohibits any form of retaliation, including intimidation, threats, coercion harassment, and other discrimination taken or threatened against any person for the purpose of interfering with any right or privileged under this Policy or against a person for reporting or filing a complaint or any person cooperating in the investigation under this Policy. Action is deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

- Charging an individual with Prism's Student Conduct Policy/Employee Code of Conduct violations that do not involve sexual harassment, but that arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

- Charging an individual with Prism's Student Conduct Policy/Employee Code of Conduct violation for making a materially false statement in bad faith in the course of a Title IX complaint resolution proceeding does not constitute retaliation, but a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

- The exercise of rights protected under the First Amendment does not constitute retaliation.

A person who believes retaliation has occurred should notify the Title IX Coordinator. The Title IX Coordinator will take prompt corrective action if the complainant or the alleged victim (if not the complainant) experiences retaliation or is subjected to further violation of this Policy.

Retaliation may result in disciplinary or other action independent of the sanctions or remedies imposed in response to the underlying allegations of sexual harassment.

VII. RECORDS RETENTION

Prism shall retain appropriate records for a period of seven years, including records relating to any reports of sexual harassment. The records will include actions taken by Prism, including any supportive measures taken in response to the report. If supportive measures were not provided, Prism will document the reasons for this response.

The institution also will retain records relating to any formal complaints. These records will include the investigation, the informal resolution process (if applicable), recorded audio/audio video file or transcript, written determination, and (if applicable) the appeal and result.