



[www.bidwelltraining.edu](http://www.bidwelltraining.edu)

Bidwell Training Center  
1815 Metropolitan Street  
Pittsburgh, PA 15233  
Phone: 412.323.4000  
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**ADDENDUM TO THE  
2025-2026 ACADEMIC CATALOG**  
Effective December 2025



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**CATALOG ADDENDUM**  
**STATEMENT OF NON-DISCRIMINATION**  
**Page 10**

**STATEMENT OF NON-DISCRIMINATION**

It is the policy of Bidwell Training Center (the "School") to maintain an environment for students, faculty, administrators, staff, and visitors that is free of all forms of discrimination and harassment, including sexual harassment. The School has enacted the Sexual Harassment Policies & Grievance Procedures (the "Policy") to reflect and maintain its institutional values, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

The Policy can be found at the School's website at [bidwelltraining.edu](http://bidwelltraining.edu) or obtained in person from the Title IX Coordinator (see below).

The School does not discriminate on the basis of sex in its educational, extracurricular, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

*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.*

This Policy prohibits all forms of sex discrimination, harassment, and misconduct, including sexual assault, domestic violence, dating violence, and stalking. The requirement not to discriminate in the School's education programs or activities extends to admission. This Policy also prohibits retaliation against a person who has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Inquiries about the application of Title IX may be referred to the School's Title IX coordinator, the U.S. Department of Education Office for Civil Rights, or both.

The School also prohibits other forms of discrimination and harassment, including discrimination and harassment on the basis of race, color, national origin, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies, including Title IX:

Audra Pavloski, M.Ed  
1815 Metropolitan Street  
Pittsburgh, PA 15233  
Email: [apavloski@manchesterbidwell.org](mailto:apavloski@manchesterbidwell.org)  
Phone: 412-323-4000, ext. 189

Bidwell Training Center desires to create and sustain an anti-discriminatory environment and will not tolerate discrimination of any kind. The School will achieve this through education, orientation, and training for all students, staff, and faculty for the purpose of creating awareness of both the issues surrounding discrimination as well as accountability, sensitivity training, and anti-discrimination training in their classrooms, at least once while the student is in school.



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**CATALOG ADDENDUM**  
**FACULTY LIST**  
**Pages 13-14**

**LEADERSHIP & ACADEMIC CALENDAR**

**ADMINISTRATION AND STAFF**

Kimberly Rassau, EdD	Vice President
Will DeCasere	Executive Assistant
Carrie Jacobus	Senior Admissions Representative
Patricia Thomas	Registrar
Audra Pavloski, MEd	Director of Student Services and Academic Operations
Regina McDonough	Resource Coordinator/Student Advisor
Carol Kenney-Martin	Community Outreach & Sales Coordinator, BTC Drew Mathieson Greenhouse
Katie Werner	Facilities Operations Manager, BTC Drew Mathieson Greenhouse
Melinda Gorman	Administrative Assistant, Horticulture Technology/BTC Drew Mathieson Greenhouse
David Miller	Sanitor/Cashier

**FACULTY**

Sam Arena	Culinary Arts Program Instructor AA, Pennsylvania Technical College CC, Certified Chef CPC, Certified Pastry Chef
Renee Benigni	Culinary Arts Program Instructor BPS, Culinary Science, Culinary Institute of America
Keith Butler	Culinary Arts Program Instructor AA, Pennsylvania Institute of Culinary Arts AA, Culinary Arts, Community College of Allegheny County
Gabriel Cintron-Rosado	Chemical Laboratory Technician Program Instructor MS, Chemistry, University of Pittsburgh BS, Chemistry, University of Puerto Rico
Ryan Gott, Ph.D.	Senior Director Horticulture & Agriculture Technology/BTC Drew Mathieson Greenhouse Ph.D, Entomology, University of Maryland BS, Biology, Purdue University
Michael Hinzman	Employment Coordinator, Chemical Laboratory Technician, Horticulture Technology, Culinary Arts Professional Development Instructor BA, Communications and Political Science, Allegheny College
Bobbi Jeffries	Employment Coordinator, Medical Assistant, Medical Coder/Biller, Institutional Pharmacy Technician Programs Professional Development Instructor AAS, Human Services, Monroe Community College



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NAWDP- National Association Workforce Development Professional

Richard Jenkins	Culinary Arts Program Instructor, Kitchen Chef/Inventory Control BS, Business Management & Marketing, Penn State University AA, General Studies, Westmoreland County Community College AS, Business Administration, Penn State University
Jada Johnson	Allied Health Program Instructor Medical Coding/Billing
Andrew Krizman	Computer Applications Instructor Allied Health Program Coordinator University of Colorado, Boulder, CO
Eugene Mankowski	Culinary Arts Program Coordinator & Front of House Supervisor Culinary Arts Program Instructor AS, Community College of Allegheny County Dietetic Technician and Nutrition, DTR Dietary Management, CDM
Tim McLaughlin	Culinary Arts Program Instructor Culinary Management, Art Institute of Pittsburgh
Michael Palladini, RPh, MBA	Director, Institutional Pharmacy Technician Program Registered Pharmacist, Pennsylvania MBA, Robert Morris University BS, Pharmacy, Virginia Commonwealth University BA, Psychology, Pennsylvania State University
Natasha Pashaw	Chemical Laboratory Technician Program Instructor BS, Chemistry, Indiana University of Pennsylvania
Chris Saccamango	Medical Coder/Biller Program Instructor RHIT, CCS, Approved ICD-10-CM/PCS AHIMA Approved Trainer BS, Health Services Management/Independence University AS, Community College of Allegheny County, Allegheny Campus AS, Community College of Allegheny County, South Campus
Scarlet Sparke	Horticulture Technician Program Instructor AS, Indiana University of Pennsylvania/AS, Penn State University
Anthony Taglieri	Senior Director, Culinary Arts & Enterprise Program Certified Sous Chef, American Culinary Federation Culinary Arts Apprentice Graduate, Westmoreland Community College
Michelle Townsend, NCMA	Medical Assistant Program Instructor MS, Public Education/Health, Purdue Global BA, Public Administration, Point Park University AS, Medical Assistant Management, ICM School of Business and Medical Careers
Sonia Weese	Horticulture Technology Program Instructor Head Grower, Drew Mathieson Greenhouse BS, Agriculture, The Ohio State University



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Kelly Weiler, Ph.D.

Director, Chemical Laboratory Technician Program  
PhD, Chemistry, University of Washington  
BS, Chemistry, University of Pittsburgh

***\*Faculty subject to change***

**Manchester Bidwell Corporation Administration**

Kevin L. Jenkins, LSW

President & Chief Executive Officer

Mara Bruce, CPA

Senior Executive VP/Chief Financial Officer



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**CATALOG ADDENDUM**  
**MEDICAL ASSISTANT PROGRAM OUTLINE**  
**Pages 25-28**

**MEDICAL ASSISTANT DIPLOMA PROGRAM**

Program Length Full-time	7 Months/28 Weeks
Total Clock Hours	790

**Educational Objective**

The Medical Assistant program is designed with the focus and goal to prepare competent entry-level medical assistants in the cognitive (knowledge), psychomotor (skills), and affective (behavior) learning domains. This focus includes the preparation of students to assist within the medical environment in patient procedures and administrative duties with special emphasis on acquiring proficiency in the use of the electronic health record systems needed for today's technologically advanced health care environment. Graduates of the program will have the skills necessary to fill entry-level positions as medical assistants. Medical assistants play a key role in physicians' offices but, also, in a variety of health care settings including urgent care centers, clinics, and ambulatory care facilities.

Students must complete 100% of all required competencies in order to graduate from the program. Achievement of competencies means that each student has successfully achieved 100% of the core curriculum psychomotor (skills) and affective (behavior) competencies taught within the courses.

<b>Course Length</b>	790 clock hours
<b>Externship Included</b>	Yes
<b>Class Schedule</b>	Monday through Friday, 8:30 a.m.— 3:00 p.m.
Externship schedules are determined by the site.	

Courses	Hours
MA 100 Anatomy & Physiology/Medical Terminology I	35
MA 110 Anatomy & Physiology/Medical Terminology II	35
MA 120 Anatomy & Physiology/Medical Terminology III	35
MA 101 Clinical Procedures & Laboratory Techniques I	35
MA 111 Clinical Procedures & Laboratory Techniques II	70
MA 121 Clinical Procedures & Laboratory Techniques III	70
MA 103 Electronic Health Records	35
MA 102 Fundamentals of Medical Assisting I	35
MA 112 Fundamentals of Medical Assisting II	35
MA 122 Fundamentals of Medical Assisting III	35
MA 105 Mathematics	35
MA 106 NHA Practice Certification Preparation and Review	35
PD 100 Computer Applications	35
PS 100 Professional Skills I	35
PS 110 Professional Skills II	35
PS 120 Professional Skills III	35
MX 100 Externship	160
Total Clock Hours	790

Certification and Licensure: Upon successful completion of the program, students are eligible to sit for the National Healthcare Association Medical Assistant Certification (CCMA) exam.



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## **MEDICAL ASSISTANT DIPLOMA PROGRAM COURSE DESCRIPTIONS**

### **MA 100 Anatomy & Physiology/Medical Terminology I**

**35 Clock Hours**

The purpose of this course is to equip prospective members of the health care industry with a working knowledge and a basic understanding of medical vocabulary, abbreviations, anatomy, physiology, and pathology. The normal anatomic structure and physiological function of all major body systems will be covered. Pathologic conditions, disease states, and treatment methodologies relating to each system studied will be included. At the completion of this course, students will be capable of recognizing medical root words, prefixes, suffixes, and combining forms. In addition, students will be able to correctly define, construct, spell, and pronounce medical terms.

Topics covered this quarter include: basic word structure, terms pertaining to the body as a whole, suffixes, prefixes, digestive system, psychiatry. Prerequisites: None

### **MA 110 Anatomy & Physiology/Medical Terminology II**

**35 Clock Hours**

The purpose of this course is to equip prospective members of the health care industry with a working knowledge and a basic understanding of medical vocabulary, abbreviations, anatomy, physiology, and pathology. The normal anatomic structure and physiological function of all major body systems will be covered. Pathologic conditions, disease states, and treatment methodologies relating to each system studied will be included. At the completion of this course, students will be capable of recognizing medical root words, prefixes, suffixes, and combining forms. In addition, students will be able to correctly define, construct, spell, and pronounce medical terms.

Topics covered in this quarter include: cardiovascular system, endocrine system, integumentary (skin) system, pharmacology, radiology/nuclear medicine, nervous system, respiratory system. Prerequisites: None

### **MA 120 Anatomy & Physiology/Medical Terminology III**

**35 Clock Hours**

The purpose of this course is to equip prospective members of the health care industry with a working knowledge and a basic understanding of medical vocabulary, abbreviations, anatomy, physiology, and pathology. The normal anatomic structure and physiological function of all major body systems will be covered. Pathologic conditions, disease states, and treatment methodologies relating to each system studied will be included. At the completion of this course, students will be capable of recognizing medical root words, prefixes, suffixes, and combining forms. In addition, students will be able to correctly define, construct, spell, and pronounce medical terms.

Topics covered in this quarter include: urinary system, blood lymphatic/immune system digestive system male/female reproductive system sense organs (eye/ear). Prerequisites: None

### **MA 101 Clinical Procedures & Laboratory Techniques I**

**35 Clock Hours**

This laboratory course includes theory and hands-on learning and application of principles utilizing simulative technology. The course will help students acquire requisite knowledge as well as critical thinking and psychomotor skills for assisting physicians and other providers with patient care.

Topics covered in this quarter covers essential foundations for working in a healthcare setting, including an overview of the medical environment and expectations for professional behavior. Students are introduced to medical terminology to build confidence in understanding and using clinical language. Training in telephone communications emphasizes professionalism, accuracy, and effective patient interaction. The course also provides a basic introduction to anatomy and physiology, focusing on the structure and function of major body systems. In addition, students learn the fundamentals of the medical office environment, including workflow, safety, organization, and daily administrative responsibilities. Prerequisites: None

### **MA 111 Clinical Procedures & Laboratory Techniques II**

**70 Clock Hours**

This laboratory course includes theory and hands-on learning and application of principles utilizing simulative technology. The course will help students to acquire requisite knowledge as well as critical thinking and psychomotor skills for assisting physicians and other providers with patient care.

Topics covered this quarter include: scheduling appointments and receiving patients, cardiology procedures, body measurements and vital signs, emergencies in the medical office/CPR, the physician's office, and pharmacology fundamentals. Prerequisites: None



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### **MA 121 Clinical Procedures & Laboratory Techniques III**

**70 Clock Hours**

This laboratory course includes theory and hands-on learning and application of principles utilizing simulative technology. The course will help students to acquire requisite knowledge as well as critical thinking and psychomotor skills for assisting physicians and other providers with patient care.

Topics Covered this quarter: overview of essential topics for Medical Assistants, including nutrition, exercise, and healthy living; rehabilitation; specimen collection; and preparation for and assistance with minor surgery. Students will also explore the male and female reproductive systems. These topics equip students with the knowledge and practical skills needed to deliver safe, effective patient care and to succeed in their certification and professional practice confidently. Prerequisites: None

### **MA 103 Electronic Health Records**

**35 Clock Hours**

By the end of this course, students will be able to understand and apply the fundamental concepts of integrated electronic health records (EHRs), including their structure, functionality, and role within the healthcare delivery system. Students will gain practical knowledge of EHR components, documentation standards, data accuracy, privacy regulations, and the interoperability of health information systems to support patient care, billing, and compliance in a variety of healthcare settings. Prerequisites: None

### **MA 102 Fundamentals of Medical Assisting I**

**35 Clock Hours**

This course will familiarize students with the responsibilities of medical assistants and their role in the revenue cycle providing quality patient care. Students will acquire an understanding of the health care environment and learn the essentials of administration of the physician's office to include appointments and scheduling, records management, documentation, drug and prescription records, financial administration, and health insurance claims. The course will also cover medical law and ethics, patient rights and physician responsibilities, and medical records content and confidentiality. Effective face-to-face and telephone communications with patients and coworkers will be stressed along with an understanding of communications. Topics covered this quarter include: the role of the medical assistant; the health care team and medical environment; legal and ethical issues; telephone and written communication; the office environment, computers and equipment; and scheduling patients and receiving patients. Prerequisites: None

### **MA 112 Fundamentals of Medical Assisting II**

**35 Clock Hours**

This course provides a comprehensive exploration of key skills in medical assisting with an emphasis on the integration of administrative, clinical, and patient care competencies. Students apply procedural and diagnostic coding principles using ICD-10-CM, ICD-10-PCS, and HCPCS systems and manage financial operations within a medical office, including accounts payable, petty cash, and purchasing. The course examines the impact of mental health issues on healthcare delivery and the medical assistant's role in supporting mental health management.

Additional topics include office management practices related to staff, providers, and facility operations, as well as strategies for promoting nutrition, exercise, and healthy living in patient care. A comprehensive review of anatomy, physiology, and medical assisting fundamentals is incorporated to support preparation for the NHA certification examination. The course also includes certification training in Adult and Pediatric First Aid/CPR/AED, meeting OSHA workplace requirements and resulting in a two-year digital certification upon successful completion. Prerequisites: None

### **MA 122 Fundamentals of Medical Assisting III**

**35 Clock Hours**

This course provides a comprehensive exploration of key topics in medical assisting, with a focus on procedural and diagnostic coding, financial management, strategies for promoting nutrition, exercise, and healthy living in patient care, mental health awareness, and office management. Students will engage in practical applications, including coding exercises, financial record analysis, and case studies, to develop essential skills for success in a medical office setting. Prerequisites: None

### **MA 105 Mathematics**

**35 Clock Hours**

This course covers basic math operations including calculations and conversions of fractions, decimals and percentages, and ratios and proportions. Emphasis will be placed on calculation of medication dosages, weights and measures including the metric system, and conversions between the metric system and household system. Prerequisites: None

### **MA106 NHA Practice Certification Preparation and Review**

**36 Clock Hours**

This course is designed to prepare students for the successful completion of the National Healthcare Association (NHA) Certified Clinical Medical Assistant (CCMA) examination. Through a comprehensive review of core content areas, students will reinforce and strengthen the knowledge and skills gained during their Medical Assisting program.





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Topics covered: patient care, pharmacology, medical law and ethics, infection control, anatomy and physiology, administrative procedures, EKG, phlebotomy, and clinical laboratory procedures. Students will engage in practice exams, skill demonstrations, and test-taking strategies to build confidence and competence. Prerequisites: Completion of core clinicals or instructor approval. Prerequisites: None

#### **PD 100 Computer Applications**

**35 Clock Hours**

This course is designed to introduce students to the basic concepts of computer operations as well as general navigation using Windows. The initial focus is on proper keyboarding style and technique. Students will gain mastery of the entire keyboard with emphasis on speed and accuracy on the basic alpha/numeric keyboard. During the Microsoft Word component, basic proficiency using Microsoft Word will be mastered. Upon completion of the course, the student should demonstrate at least average ability in creating and saving a document; creating, moving, and deleting files and folders; formatting a document; retrieving, editing, and printing documents. A component on efficient use of Microsoft Outlook is also included. Upon conclusion of this component, students will demonstrate at least average ability in creating and using meeting requests, email signatures, automatic replies, tasks, reminders, color categories, and folders. They will also understand when to use the Read Receipt option and the Reply All function. Prerequisites: None

#### **PS 100 Professional Skills I**

**35 Clock Hours**

This course introduces students to the essential skills required for successful employment and career development. Topics include personal marketing, professional networking, job search strategies, and effective application techniques. Emphasis is placed on job retention practices and professional conduct in the workplace. Students participate in Workforce Readiness Interview Day to gain interview experience and to objectively assess both their performance and potential employment opportunities, including compensation evaluation. The course concludes with preparation for the externship experience, ensuring students are ready to transition into professional practice. Prerequisites: None

#### **PS 110 Professional Skills II**

**35 Clock Hours**

This course prepares Medical Assistant students to apply their digital literacy and professional communication skills toward job search readiness and externship preparation. This class will focus on professional behavior and digital proficiency. Students will strengthen their ability to create polished employment materials, communicate effectively in person and online, and manage the digital tasks required in today's workplace.

Students will practice formatting résumés and cover letters, managing files and forms, using email and video conferencing professionally, and developing a professional online presence. Complementary lessons emphasize time management, constructive feedback, interviewing techniques, and evaluating job offers, ensuring that graduates are confident, organized, and career ready as they transition to their externships and employment. Prerequisites: None

#### **PS 120 Professional Skills III**

**35 Clock Hours**

This course develops advanced career readiness and professional communication skills essential for achieving and sustaining employment. Students learn to identify various interviewing styles and techniques, create customized functional résumés, and build personal brands for both marketing and interviewing success. Emphasis is placed on developing compelling LinkedIn profiles, utilizing diverse job search strategies, and conducting effective company and position research. The course also addresses evaluating job offers, understanding compensation and benefits, and recognizing the factors that influence professionalism in the workplace. Through mock interviews, networking events, and externship preparation, students apply their skills in real-world contexts to demonstrate confidence, competence, and career readiness. Prerequisites: None

#### **MX 100 Externship**

**160 Clock Hours**

At the completion of the didactic training, the student applies practical skills acquired in the classroom in a physician's office, including various specialties, hospital-based or independent clinic, or other outpatient care facility. The student will receive a grade, based upon performance, by the site. Prerequisites: The successful completion of all program courses.



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**CATALOG ADDENDUM  
CALL-OFF PROCEDURES  
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**CALL-OFF PROCEDURES**

A student must call off before the course start time when unable to attend classes.

**Call-offs must state whether the student will be absent for the entire day or state the expected arrival time, if calling off for part of the day. It is the student's responsibility to provide updates if their expected arrival time changes or if changing circumstances require their absence for the day. If a student needs to leave early, a call-off must be sent before leaving campus for the day. A professional call-off does not need to include the reason for calling off.**

In the event of consecutive absences, the student must call off every day absent. Call-offs will NOT be accepted from another enrolled student. In the event of extreme circumstances such as hospitalization without physical ability to call off, a call off may be received from your emergency contact.

Call offs must be sent to the official program email alias:

Chemistry@manchesterbidwell.org  
IPT@manchesterbidwell.org  
MA@manchesterbidwell.org  
MCB@manchesterbidwell.org  
Horticulture@manchesterbidwell.org  
Culinary@manchesterbidwell.org

No other method for calling off, including text messaging or phone calls, is acceptable.



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## Catalog Addendum SEXUAL HARASSMENT POLICY & GRIEVANCE PROCEDURES Pages 65-83

### SEXUAL HARASSMENT POLICY & GRIEVANCE PROCEDURES

#### 1. Introduction

Bidwell Training Center ("Bidwell") is committed to providing a working and educational environment for all students, faculty, and staff that is free from sex discrimination, including sexual harassment. Every member of the Bidwell community should be aware that Bidwell is strongly opposed to sexual harassment, and that such behavior is prohibited by state and federal laws.

Bidwell 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 and its regulations, including in admission and employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

*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.*

As part of Bidwell's commitment to providing a working and learning environment free from sexual harassment, this Policy shall be disseminated widely to the Bidwell community through publications, the Bidwell website, new employee orientations, student orientations, and other appropriate channels of communication. Bidwell provides training to key staff members to enable Bidwell to handle any allegations of sexual harassment promptly and effectively. Bidwell will respond promptly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

#### 2. Scope of the Policy

This Policy governs sexual harassment that occurs in Bidwell's education programs or activities. This Policy applies to all students, employees, and third parties conducting business with Bidwell, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. Bidwell encourages victims of sexual harassment to talk to somebody about what happened – so victims can get the support they need, and so Bidwell can respond appropriately. As further described in this Policy, Bidwell will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

#### 3. Prohibited Conduct

Sexual harassment comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Sexual harassment includes a school employee conditioning the provision of a school aid, benefit, or service on an individual's participation in unwelcome sexual conduct. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Bidwell's education programs or activities also constitutes sexual harassment. Sexual assault, stalking, domestic violence, and dating violence are all forms of sexual harassment. Retaliation following an incident of alleged sexual harassment or attempted sexual harassment is strictly prohibited. The definitions for specific acts of sexual harassment can be found in the Definitions of Key Terms at the end of this Policy statement.

Sexual harassment can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. **This Policy prohibits all forms of sexual harassment.**

#### 4. Options for Assistance Following an Incident of Sexual harassment

Bidwell strongly encourages any victim of sexual harassment to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim's physical safety and to obtain medical care. Bidwell strongly advocates that a victim of sexual harassment report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.



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### Reporting Incidents of Sexual Harassment.

Victims of sexual harassment may file a report with the Pittsburgh Police Department. Victims may also file a report with Bidwell's Title IX Coordinator. More information about reporting an incident of sexual harassment can be found in Section 6 of this Policy, below.

Bidwell will respond promptly when it has actual knowledge of sexual harassment in its education programs or activities. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures as described below, 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. Bidwell will also provide the complainant with written notification about assistance available both within the Bidwell community and without.

A complainant may choose for the investigation to be pursued through the criminal justice system and/or through Bidwell's grievance procedures by filing a formal complaint as described in this Policy. Bidwell and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The Title IX Coordinator will guide the complainant through the available options and support the complainant in his or her decision.

### Supportive Measures.

Bidwell's Title IX Coordinator will work with all students affected by sexual harassment to ensure their safety and support their wellbeing. This assistance may include providing supportive measures to support or protect a student after an incident of sexual harassment and while an investigation or disciplinary proceeding is pending. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Bidwell's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Bidwell's educational environment, or deter sexual harassment.

Supportive measures may include:

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

Bidwell will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that it can reasonably do so and to the extent maintaining such confidentiality would not impair the ability of Bidwell to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout any investigation to ensure that any supportive measures are necessary and effective based on the students' evolving needs. Students who report an incident of sexual harassment may also be able to obtain a formal protection order from a civil or criminal court. Bidwell will work with the student and the applicable court to assist in the enforcement of any such protective orders.

### Support Services Available.

Counseling, advocacy and support services are available for complainants, whether or not a complainant chooses to make an official report or participate in Bidwell's grievance procedures or criminal process. **Bidwell Training Center does not provide counseling or health care services. Personal counseling offered by Bidwell will be limited to initial crisis assessment and referral.**

Sexual harassment crisis and counseling options are available locally and nationally through a number of agencies, including:



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#### Contact information for professional and pastoral counselors:

UPMC resolve Crisis Network	1-888-7-YOU-CAN (1-888-796-8226)
Center for Victims 24-hour Helpline	412-392-8582
ESI EAP Powered by Totalcare	1-800-252-4555 code MANCHESTER BIDWELL CORP—STUDENT
Counseling and Wellness	
Center of Pittsburgh	412-322-2129
Pittsburgh Mercy	1-877-637-2924
Pittsburgh Pastoral Institute	1-877-611-9623

#### Confidential Support Resources:

Pittsburgh Action Against Rape	1-866-END-RAPE (1-866-363-7273)
Center for Victims 24-hour Helpline	412-392-8582
Women's Center & Shelter of	
Greater Pittsburgh 24-Hour Hotline:	412-687-8005
Persad Center	1-888-873-7723
Magee-Womens Hospital of	UPMC 412-641-4933
UPMC Mercy Hospital	412-232-8222

#### Evidence Preservation

Victims of sexual assault, domestic violence, or dating violence should consider seeking medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved. In circumstances where the victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns. Victims of sexual harassment are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful in connection with a Bidwell or police investigation.

#### 5. Title IX Coordinator

Bidwell's Title IX Coordinator is responsible for monitoring and overseeing Bidwell's compliance with Title IX and the prevention of sexual harassment and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in Bidwell policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about Bidwell and community resources and reporting options;
- Available to provide assistance to any Bidwell employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to Bidwell's Title IX Coordinator:

Audra Pavloski, M.Ed.  
1815 Metropolitan Street  
Pittsburgh, PA 15233  
Phone: (412) 323-4000, ext. 189  
Email: [apavloski@manchesterbidwell.org](mailto:apavloski@manchesterbidwell.org)

#### 6. Reporting Policies and Protocols

Bidwell Training Center strongly encourages all members of the Bidwell community to report information about any incident of sexual harassment as soon as possible. Reports can be made to Bidwell and/or to law enforcement.



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### **Reporting to Bidwell**

An incident of sexual harassment may be reported to Bidwell's Title IX Coordinator, President, Chief Executive Officer, Vice President, Senior Director of Operations, or Director of Student Services. No other school officials or employees have the authority to institute corrective measures under these Policies and Procedures on behalf of Bidwell. Bidwell will not be deemed to have actual knowledge of alleged sexual harassment unless Bidwell's Title IX Coordinator, President, Chief Executive Officer, Vice President, Senior Director of Operations, or Director of Student Services possess such knowledge. Reports of sexual harassment to school officials or employees other than those will not confer actual knowledge to Bidwell of such allegations, unless one of these designated school officials subsequently obtains such actual knowledge.

If Bidwell's Title IX Coordinator is the alleged perpetrator of the sexual harassment, the report should be submitted to another designated school official. Filing a report with a school official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed in Section 5 for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator or other designated school official receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

While there is no time limit for reporting, reports of sex discrimination or harassment should be brought forward as soon as possible. All incidents should be reported even if significant time has elapsed, but prompt reporting will better enable Bidwell to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. Note that if a complainant seeks to file a formal complaint for Bidwell to initiate an investigation into allegations of sexual harassment, the complainant must be participating in or attempting to participate in Bidwell's education programs or activities at the time of filing such formal complaint. Bidwell is committed to supporting the rights of a person reporting an incident of sexual harassment to make an informed choice among options and services available.

Bidwell will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any harassment, prevent its recurrence, and address its effects.

### **Reporting to Law Enforcement**

An incident of sexual harassment can be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911. At the complainant's request, Bidwell will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, Bidwell will cooperate with law enforcement agencies to the extent permitted by law. A complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)

### **Timely Warnings & Emergency Notifications**

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Operations constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Director of Operations will immediately notify the Bidwell community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at Bidwell, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and Bidwell employees. Notices may also include email messages, text messages, the posting of flyers in Bidwell buildings, and in-class announcements. Anyone with information warranting a timely warning or emergency notification should report the circumstances to the Director of Operations. Bidwell will provide adequate follow-up information to the community as needed.



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### Third-Party and Anonymous Reporting

In cases where sexual harassment is reported by someone other than the complainant (by an instructor, classmate, or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

### No Retaliation

Bidwell prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX or, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Bidwell will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or Bidwell's Director of Operations.

Except as may otherwise be required by law, Bidwell will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.

Charging an individual with a violation of Bidwell's conduct policies for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### Coordination With Drug Free School Policy

Students may be reluctant to report instances of sexual harassment because they fear being disciplined pursuant to Bidwell's alcohol or drug policies. Bidwell encourages students to report all instances of sexual harassment and will take into consideration the importance of reporting sexual harassment in addressing violations of Bidwell's alcohol and drug policies. This means that, whenever possible, Bidwell will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported sexual harassment.

### 7. Bidwell Policy on Confidentiality

Bidwell encourages victims of sex discrimination including sexual harassment to talk to somebody about what happened – so victims can get the support they need, and so Bidwell can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual harassment or other forms of sex discrimination. Bidwell encourages victims to talk to someone identified in one or more of these groups.

### Privileged and Confidential Communications – Professional & Pastoral Counselors

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. Bidwell does not provide professional or pastoral counseling, but can assist a victim of sexual harassment in obtaining support services from these groups or agencies. Contact information for these support organizations is listed in Section 4 of this Policy.

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis Bidwell, they may have reporting or other obligations under state law.

**ALSO NOTE:** If Bidwell determines that the alleged perpetrator(s) pose a serious and immediate threat to Bidwell's community, Bidwell's Director of Operations may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### Reporting to a Designated School Official

A "designated school official" is a Bidwell employee who has the authority to institute corrective measures on behalf of Bidwell upon actual notice of sexual harassment.





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A designated school official will report to the Title IX coordinator all relevant details about the alleged sexual harassment shared by the complainant – including the names of the complainant and respondent, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a designated school official will be shared only with people responsible for handling Bidwell's response to the report. Designated school officials should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement.

In addition to the Title IX Coordinator, Bidwell's designated school officials include the school's President, Chief Executive Officer, Vice President, Senior Director of Operations, and Director of Student Services.

Before a complainant reveals any information to a designated school official, the official should ensure that the complainant understands the official's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

If the complainant wants to tell the designated school official what happened but also maintain confidentiality, the official should tell the complainant that Bidwell will consider the request but cannot guarantee that Bidwell will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the official will also inform the Title IX Coordinator of the complainant's request for confidentiality.

Designated school officials will not pressure a complainant to request confidentiality, but will honor and support the complainant's wishes, including for Bidwell to fully investigate an incident. By the same token, designated school officials will not pressure a complainant to make a formal complaint and initiate a school investigation if the complainant is not ready to do so.

A complainant who at first requests confidentiality may later decide to file a formal complaint with Bidwell or report the incident to local law enforcement, and thus have the incident fully investigated.

### **Reporting to Title IX Coordinator**

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling Bidwell's response to the report. The Title IX Coordinator should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement.

Before a complainant reveals any information to the Title IX Coordinator, the Coordinator should ensure that the complainant understands the Coordinator's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources. If the complainant wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the complainant that Bidwell will consider the request but cannot guarantee that Bidwell will be able to honor it.

The Title IX Coordinator will not pressure a complainant to request confidentiality, but will honor and support the complainant's wishes, including for Bidwell to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a complainant to make a formal complaint and initiate a school investigation if the complainant is not ready to do so.

### **Requesting Confidentiality: How Bidwell Will Weigh the Request and Respond**

If a complainant discloses an incident to the Title IX Coordinator but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, Bidwell must weigh that request against Bidwell's obligation to provide a safe, non-discriminatory environment for all students, including the complainant.

If Bidwell honors the request for confidentiality, a complainant must understand that Bidwell's ability to investigate the incident and pursue disciplinary action against the respondent will be limited. A complainant may provide the Title IX Coordinator with confidential knowledge of alleged sexual harassment and receive supportive measures from Bidwell without the complainant filing a complaint and initiating an investigation. Although rare, there are times when Bidwell may not be able to honor a complainant's request in order to provide a safe, non-discriminatory environment for all students.

The Title IX Coordinator will evaluate requests for confidentiality. When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:





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- The increased risk that the respondent will commit additional acts of sexual harassment or other violence, such as:
  - whether there have been other sexual harassment complaints about the same respondent;
  - whether the respondent has a history of arrests or records from a prior institution indicating a history of violence;
  - whether the respondent threatened further sexual harassment or other violence against the complainant or others;
  - whether the sexual harassment was committed by multiple respondents;
- Whether the sexual harassment was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether Bidwell possesses other means to obtain relevant evidence of the sexual harassment (e.g., security cameras or personnel, physical evidence);
- Whether Bidwell has a legal obligation to report the harassment to the Police or otherwise take action;
- Whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the Title IX Coordinator to file a formal complaint to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, Bidwell will likely respect the complainant's request for confidentiality.

**If Bidwell determines that it cannot maintain a complainant's confidentiality,** Bidwell will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling Bidwell's response. Bidwell will remain ever mindful of the complainant's well-being, and will take ongoing steps to protect the complainant from retaliation or harm and work with the complainant to create a safety plan. Retaliation against the complainant, whether by students or Bidwell employees, will not be tolerated. Bidwell will also:

- assist the complainant in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the respondent pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the complainant of the right to report a crime to local law enforcement – and provide the complainant with assistance if the complainant wishes to do so.

Bidwell may not require a complainant to participate in any investigation or disciplinary proceeding.

Because Bidwell is under a continuing obligation to address the issue of sexual harassment campus-wide, reports of sexual harassment (including non-identifying reports) will also prompt Bidwell to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual harassment occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

**If Bidwell determines that it can respect a complainant's request for confidentiality,** Bidwell will also take immediate action as necessary to protect and assist the complainant. This includes the Title IX Coordinator promptly contacting the complainant to discuss the availability of supportive measures. A complainant's request for confidentiality will limit Bidwell's ability to investigate a particular matter. Bidwell may take steps to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; providing training and educational materials for students and employees; revising and publicizing Bidwell's policies on sexual harassment; and conducting climate surveys regarding sexual harassment.

**Off-campus Counselors and Advocates.** Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with Bidwell unless the complainant requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found in Section 4 of this Policy.



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## 8. Formal Complaint Investigation Procedures and Protocols

Bidwell will investigate all formal complaints of sexual harassment. A formal complaint must be in writing filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Bidwell investigate the allegation of sexual harassment. A formal complaint form may be obtained from the Title IX Coordinator, although no particular form is required to submit a formal complaint so long as the complaint is in writing, signed by a complainant, alleges sexual harassment against a respondent, and requests an investigation. The Title IX Coordinator oversees Bidwell's investigation, response to, and resolution of all reports of prohibited sexual harassment, and of related retaliation, involving students, faculty, and staff.

As soon as practicable after receiving a formal complaint, the Title IX Coordinator will make an initial assessment of the formal complaint to determine whether the formal complaint, on its face, alleges an act prohibited by this Policy. If the Title IX Coordinator determines the formal complaint states facts which, if true, could constitute sexual harassment in violation of this Policy, the Title IX Coordinator will proceed through the formal investigation process (see below). If the Title IX Coordinator determines the complainant's report does not state facts that, if true, could constitute a violation of this Policy, the Title IX Coordinator will communicate this determination in writing to the complainant. In such circumstances the complainant may still file a report with the federal Office for Civil Rights, the police, or seek available civil remedies through the judicial system. The complainant may also re-file the report with Bidwell upon discovery of additional facts.

Bidwell will dismiss a formal complaint if the conduct alleged in the formal complaint would not constitute sexual harassment under Title IX even if proved, did not occur in Bidwell's education program or activity, or did not occur against a person in the United States. **Such dismissal does not preclude action under another provision of Bidwell's code of conduct.** Bidwell may dismiss the formal complaint if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint; the respondent is no longer enrolled or employed by Bidwell; or specific circumstances prevent Bidwell from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Bidwell will promptly send written notice of the dismissal and reasons therefor simultaneously to the parties.

### Notice

Upon receipt of a formal complaint, Bidwell will provide written notice of Bidwell's grievance process to the parties who are known. Bidwell will also provide the parties with notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence that is submitted to and/or collected by Bidwell in connection with the investigation. The written notice will also inform the parties of any provision in Bidwell's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, Bidwell decides to investigate allegations about the complainant or respondent that are not included in a prior notice provided to the parties, Bidwell will provide notice of the additional allegations to the parties whose identities are known.

### Voluntary Resolution

Voluntary resolution, when selected by all parties and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the safety and welfare of the Bidwell community. If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving notice of a formal complaint and if Bidwell determines that the particular formal complaint is appropriate for such a process, Bidwell will facilitate an informal resolution to assist the parties in reaching a voluntary resolution. Bidwell retains the discretion to determine which cases are appropriate for voluntary resolution.

Voluntary resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; facilitating a meeting with the respondent with the complainant present; and any other remedy that can be tailored



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to the involved individuals to achieve the goals of the Policy.

Voluntary resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for harassment and acknowledge harm to the complainant or to the Bidwell community. Restorative models will be used only with the consent of both parties and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

Bidwell will not compel parties to engage in mediation or to participate in any particular form of informal resolution. As the title implies, participation in voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is unsuccessful at resolving the complaint.

In connection with any informal resolution process, Bidwell will provide written notice to the parties disclosing the allegations and the requirements of the informal resolution process. Bidwell will notify the parties that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. Bidwell must obtain the parties' voluntary, written consent to the informal resolution process. The informal resolution process may not be utilized to resolve allegations that a Bidwell employee sexually harassed a student.

The time frame for completion of voluntary resolution may vary, but Bidwell will seek to complete the process within 15 days of all the parties' request for voluntary resolution.

### **Formal Investigation Process**

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Bidwell and not on the parties. The Title IX Coordinator is responsible for the investigation of a formal complaint. The Title IX Coordinator may designate a specially trained investigator (or team of investigators) to conduct the investigation.

Bidwell's process for responding to, investigating and adjudicating sexual harassment reports will continue during any law enforcement proceeding. The investigator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The investigator will interview the complainant, respondent and any witnesses. They will also gather pertinent documentary materials (if any) and other information. Bidwell will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Bidwell will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

### **Time Frame for Investigation**

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from receipt of a formal complaint from the complainant or the Title IX Coordinator of the request to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate absences or delays by the parties, the need for language assistance or accommodation of disabilities, account for school breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared simultaneously with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, Bidwell will take prompt steps to protect complainants pending the final outcome of an investigation, including the provision of supportive measures to the complainant and/or the respondent. Bidwell may remove a respondent



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from the school's education programs or activities on an emergency basis, provided that Bidwell undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Bidwell may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

Bidwell will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which Bidwell does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, Bidwell will 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 will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. Bidwell will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination

### **Investigation Report**

The investigator will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Such report will include a statement of the allegations and issues, the positions of the complainant and respondent, a summary of the evidence (including from interviews and documentation gathered), an explanation why any proffered evidence was not investigated, assessment of individual credibility, and findings of fact and an analysis of whether a violation of the Policy has occurred. The investigator will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that the investigator must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The complainant and respondent will be simultaneously notified of the completion of the investigation and provided with the investigator's report.

## **9. Grievance/Adjudication Procedures**

### **Hearing Panel**

Bidwell will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy.

The hearing panel will consist of one to three members as determined by the Title IX Coordinator. The Title IX Coordinator will designate the members of the hearing panel but will not serve as a panel member. The investigator responsible for Bidwell's investigation of the formal complaint may not serve as a panel member. The hearing panel members may include administrators, officers, lawyers or other individuals with relevant experience and special training. Panel members may participate remotely so long as Bidwell utilizes technology enabling the panel members and parties to simultaneously see and hear the party or witness answering questions. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual harassment. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least three days prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

### **Advisors**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual harassment by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled.



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### Written Submissions

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions.

### Hearing Procedures

The Title IX Coordinator will give the complainant and respondent at least 10 days' advance notice of the hearing. The Title IX Coordinator may arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary school personnel may be present during the proceeding. The Director of Operations will work with school staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation virtually, with technology enabling the participants simultaneously to see and hear each other.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
  - o Cross Examination. At the hearing, the hearing panel shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
  - o At the request of either party, Bidwell will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing panel members and parties to simultaneously see and hear the party or the witness answering questions.
  - o 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 hearing panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  - o If a party does not have an advisor present at the live hearing, Bidwell will provide without fee or charge to that party, an advisor of Bidwell's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
  - o Information Regarding Romantic or Sexual History. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual harassment.
  - o Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.
  - o The hearing panel may consider statements made by parties or witnesses, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility.
  - o Bidwell will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.



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- o Live hearings may be conducted with all parties physically present in the same geographic location or, at Bidwell's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Bidwell will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review. The panelists may request a copy or transcript of the recording. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

#### **Panel Determinations/Standard of Proof**

The hearing panel will issue a written determination regarding responsibility. The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a written determination within 10 days after the conclusion of a hearing.

The panel's written determination will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) 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;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of Bidwell's code of conduct to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Bidwell imposes on the respondent, and whether remedies designed to restore or preserve equal access to Bidwell's education program or activity will be provided by Bidwell to the complainant; and
- f) Bidwell's procedures and permissible bases for the complainant and respondent to appeal.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the formal complaint. The determination regarding responsibility becomes final either on the date that Bidwell provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### **10. Sanctions and Other Remedies**

The hearing panel shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with Bidwell's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sexual harassment.

No disciplinary sanctions or other actions that are not supportive measures will be imposed against a respondent until the completion of Bidwell's grievance procedures, including any applicable appeal.

The hearing panel will consider relevant factors, including if applicable: (1) the specific sexual harassment at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the Bidwell community; and (7) the respondent's conduct during the disciplinary process. The sanctioning decision will be communicated in writing to the complainant and the respondent as part of the hearing panel's written determination.

Bidwell may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning





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- Changing the respondent's academic schedule
- Disciplinary probation
- Restricting access to Bidwell facilities or activities
- Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Dismissal or restriction from Bidwell employment
- Suspension (limited time or indefinite)
- Expulsion

In addition to any other sanction (except where the sanction is expulsion), Bidwell may require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual harassment violation at issue. Bidwell may also recommend counseling or other support services for the student.

Whatever the outcome of the hearing process, a complainant may request ongoing or additional supportive measures and the Title IX Coordinator will determine whether such supportive measures are appropriate. Potential ongoing supportive measures include:

- Providing an escort for the complainant
- Changing the complainant's academic schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

Bidwell may also determine that additional measures are appropriate to respond to the effects of the incident on the Bidwell community. Additional responses for the benefit of Bidwell community may include:

- Increased monitoring, supervision, or security at locations or activities where the harassment occurred
- Additional training and educational materials for students and employees
- Revision of Bidwell's policies relating to sexual harassment
- Climate surveys regarding sexual harassment

## 10. Appeals

Either the respondent or the complainant or both may appeal from a determination regarding responsibility, and from Bidwell's dismissal of a complaint or any allegations therein, on the following basis:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or hearing panel member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

If a party appeals a dismissal or determination whether sexual harassment occurred, Bidwell will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that Bidwell will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

The appealing party must submit the appeal in writing to the Title IX Coordinator within seven calendar days after receiving the written determination regarding responsibility. If either the complainant or respondent submits an appeal, the Title IX



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Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing party may submit a written response within seven days after notice of an appeal.

If on appeal Bidwell concludes that a change in the hearing panel's determination is warranted, Bidwell may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The decision maker will issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties. Appeals decisions will be rendered within 15 calendar days after the receipt of the written appeal. All appeal decisions are final.

## **12. Records Disclosure & Recordkeeping**

Disciplinary proceedings conducted by Bidwell are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside Bidwell without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on Bidwell's website at [bidwelltraining.edu](http://bidwelltraining.edu).

Bidwell will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by Bidwell against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Bidwell will maintain for a period of not less than seven years records of –

- a) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript from a hearing conducted in response to a formal complaint, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to Bidwell's education programs or activities;
- b) Any appeal and the result therefrom;
- c) Any informal resolution and the result therefrom; and
- d) All materials used to train Title IX Coordinators, investigators, hearing panel members, decision-makers, and any person who facilitates an informal resolution process. Bidwell will make these training materials publicly available on its website.

Bidwell will create and maintain for a period of not less than seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, Bidwell will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Bidwell's education program or activity. If the school does not provide a complainant with supportive measures, then Bidwell will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Bidwell in the future from providing additional explanations or detailing additional measures taken.

## **13. Education and Prevention Programs**

Bidwell is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. Educational programs include an overview of Bidwell's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation.





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As part of Bidwell's commitment to provide an educational and work environment free from Prohibited Conduct, this Policy will be disseminated widely to Bidwell community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, investigators, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual harassment will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual harassment.

### **Bystander Intervention**

Bidwell's primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are "early intervention" – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

### **Risk Reduction**

Bidwell's primary prevention and awareness program includes information on risk reduction. This includes:

*Avoiding Dangerous Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's house or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a "tornado" or "fire" bag.



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*Protecting Your Friends.* You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that doesn't feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- Distract. If you see a friend in a situation that doesn't feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party, or ask them to walk you home. Try asking questions like: "Do you want to head to the bathroom with me?" or "Do you want to head to another party – or grab pizza?"
- Step in. If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Don't be shy about directly asking the person if they need help or if they feel uncomfortable.
- Enlist others. You don't have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- Keep an eye out. Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you weren't around when the assault occurred, you can still support a friend in the aftermath.

*Social Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

*Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).*

#### **14. Amendments**

Bidwell may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of Bidwell to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the Bidwell community.



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## **BIDWELL TRAINING CENTER SEXUAL HARASSMENT POLICIES & GRIEVANCE PROCEDURES**

### **Definitions of Key Terms**

- Sexual Harassment - means conduct on the basis of sex that satisfies one or more of the following:
  - 1) An employee of Bidwell conditioning the provision of an aid, benefit, or service of Bidwell on an individual's participation in unwelcome sexual conduct;
  - 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Bidwell's education programs or activities; or
  - 3) "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined herein.
- Sexual Assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting ("UCR") program.
  - o Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - o Sex Offenses - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
    - Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
    - Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.
- Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- "Education program or activity" includes locations, events, or circumstances over which Bidwell exercises substantial control over both the respondent and the context in which the sexual harassment occurs. It includes all of the academic, educational, extra-curricular, and other programs of Bidwell, whether they take place in the facilities of Bidwell, at a class or training program sponsored by Bidwell at another location, or elsewhere. An instructor's alleged sexual harassment of a student would likely constitute sexual harassment in Bidwell's education programs or activities even if the alleged harassment occurs off campus. Bidwell's education programs and activities may also include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, Bidwell.
- Prohibited Conduct – Bidwell prohibits Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any



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action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

- Retaliation – Bidwell shall not, and no individual shall, intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and/or this Policy. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation; provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.
- Consent is a voluntary agreement to engage in sexual activity.
  - o Past consent does not imply future consent.
  - o Silence or an absence of resistance does not imply consent.
  - o Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
  - o Consent can be withdrawn at any time.
  - o Coercion, force, or threat of either invalidates consent.

Someone who is incapacitated cannot consent. Incapacitation refers to a situation in which a person is not capable of providing consent because the person lacks the ability to understand her or his decision. This situation may occur due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent.

- Complainant – means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- Respondent – means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.