

## FPTI Title IX Policy And Procedures

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### I. Overview and Purpose

Focus Personal Training Institute (FPTI) is committed to maintaining an educational and workplace environment free from sex-based discrimination, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking. This policy aligns with the U.S. Department of Education's Title IX regulations, effective August 1, 2024, and complies with 34 C.F.R. Part 106.

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### II. Title IX Coordinators

FPTI has designated the following individuals to oversee Title IX compliance:

1. Gabriel Valencia
2. Joseph Masiello

Phone:

(212) 319-3816

Mailing Address:

Focus Personal Training Institute  
115 W 27<sup>th</sup> St, 11<sup>th</sup> Fl  
New York, NY 10001

Email Addresses:

Gabriel Valencia – [gvalencia@fpti.edu](mailto:gvalencia@fpti.edu)  
Joseph Masiello – [jmasiello@fpti.edu](mailto:jmasiello@fpti.edu)

The Title IX Coordinator(s) is responsible for coordinating FPTI's compliance efforts and response to reports of sex discrimination.

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### III. Definitions

- **Sexual Harassment includes:**
  - An employee of the school conditioning the provision of an aid, benefit, or service of the school 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 the school's education program or activity;
  - Sexual assault, dating violence, domestic violence, or stalking as defined in the Clery Act and VAWA.
- **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

- **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- **Formal Complaint:** A document filed in writing by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation. This may include an electronic submission such as an email or online form, containing the complainant's digital or physical signature or other indication that the complainant is the person filing the complaint.
- **Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available, 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.

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#### IV. Reporting and Initial Response

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct) to the Title IX Coordinator in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. Reports may be made at any time, including during non-business hours.

Upon receiving a report, the Title IX Coordinator will:

1. Promptly contact the complainant to discuss the availability of supportive measures;
2. Consider the complainant's wishes with respect to supportive measures;
3. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint;
4. Explain to the complainant the process for filing a formal complaint;
5. Assess the need for emergency removal or administrative leave (see below).

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#### V. Emergency Removal and Administrative Leave

FPTI may remove a respondent from its education program or activity on an emergency basis, provided that FPTI 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 justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

FPTI may place a non-student employee respondent on administrative leave during the pendency of the grievance process

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## **VI. Grievance Process for Formal Complaints**

Upon receipt of a formal complaint, FPTI will initiate a grievance process that complies with 34 C.F.R. § 106.45.

This process includes:

1. Written Notice of Allegations to both parties;
2. Investigation of the allegations with an opportunity for both parties to present witnesses and evidence;
3. Access to Evidence for both parties prior to completion of the investigation report;
4. Written Investigative Report that fairly summarizes relevant evidence and is provided to both parties;
5. Live Hearing or Equivalent Questioning Process with an opportunity for cross-examination conducted by advisors;
6. Written Determination by a decision-maker separate from the investigator, including findings of fact, conclusions, rationale, and sanctions/remedies;
7. Appeal process available to both parties on the bases of procedural irregularity, new evidence, or conflict of interest/bias.

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## **VII. Consolidation and Dismissal**

FPTI may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

FPTI must dismiss a formal complaint if the conduct alleged:

- Would not constitute sexual harassment even if proved;
- Did not occur in the school's education program or activity; or
- Did not occur against a person in the United States.

FPTI may dismiss a formal complaint if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the complaint;
- The respondent is no longer enrolled or employed by the school;
- Specific circumstances prevent the school from gathering evidence sufficient to reach a determination.

Upon dismissal, FPTI will promptly send written notice of the dismissal and the reasons to both parties. Either party may appeal a dismissal.

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## **VIII. Informal Resolution**

At any time prior to reaching a determination regarding responsibility, FPTI may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Informal resolution is only permitted if:

- A formal complaint is filed;
- Both parties provide voluntary, written consent to participate;
- The parties receive written notice disclosing the allegations, the requirements of the informal process, and the consequences of participating (including that it may preclude resuming a formal complaint).

Informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

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## **IX. Supportive Measures**

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;
- Leaves of absence;
- Increased security and monitoring;
- Other similar measures.

Supportive measures are offered without charge to the complainant or respondent and are designed to restore or preserve equal access to the school's education program or activity.

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## **X. Confidentiality**

FPTI will maintain the confidentiality of complainants, respondents, and witnesses, except as may be permitted by the FERPA statute or as required by law or to carry out the purposes of 34 C.F.R. Part 106.

Confidential employees must inform individuals of their confidentiality limitations and direct them to the Title IX Coordinator and other supportive services.

## **XI. Pregnant and Parenting Students**

FPTI does not discriminate against any student or employee on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery. Upon notice of a pregnancy-related condition, the Title IX Coordinator must ensure that the student or employee is:

- Offered reasonable academic modifications or accommodations;
  - Provided access to a clean, private lactation space;
  - Permitted to take voluntary leave for the medically necessary duration;
  - Reinstated to their original status upon return from leave.
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## **XII. Training and Recordkeeping FPTI ensures that:**

- All employees receive training on Title IX obligations, including the scope of prohibited conduct and the procedures for reporting and responding to incidents.
- Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators receive additional training on the grievance process, impartiality, avoiding bias, and relevant evidence standards.

FPTI retains for a minimum of seven years:

- Records of each sexual harassment investigation, including any determination, hearing recording/transcript, disciplinary sanctions, and remedies provided;
  - Any appeal and its result;
  - Any informal resolution and its outcome;
  - All materials used to train Title IX personnel;
  - Documentation of supportive measures provided or the reasons for not providing them.
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## **XIII. Retaliation Prohibited**

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with Title IX rights or because the individual made a report, testified, assisted, or participated in any manner in an investigation or proceeding under this policy.

Complaints alleging retaliation will be addressed under the same grievance procedures described above.

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## **XIV. Accessibility and Equity for Vulnerable Groups**

FPTI ensures equal access to Title IX processes for:

- Students with disabilities (in coordination with disability services);
- English language learners (with translation and support services);
- Other individuals entitled to accommodations under applicable federal or state law.

## **XVI. Training For Title IX Coordinators**

The Title IX Personnel include the Title IX Coordinators, any investigator, any decision-maker, and any person who facilitates an informal resolution (such as mediation).

FPTI ensures that Title IX Personnel have received training that meets the standards of the U.S. Department of Education's Office for Civil Rights (OCR), does not rely on sex stereotypes, and promotes impartial investigations and adjudications of formal complaints of sexual harassment.

FPTI utilizes Thompson Coburn LLP's Title IX Training Series. This series contains four in-depth modules, outlined below. In accordance with the Title IX Rule, each module of training is accessible to view and is linked below.

**[Session 1 – Introduction to the 2024 Title IX Rule](#)**- Presented by Aaron Lacey, Scott Goldschmidt, Stephanie Fredman, and Leah Northener

This opening session provides a concise overview of the revised 2024 Title IX rule. It outlines the regulatory history, updates key definitions (e.g., sex-based harassment, hostile environment), and emphasizes institutional obligations for reports vs. complaints. Covered topics include mandatory supportive measures, non-retaliation policies, required employee training, public notice standards, and seven-year recordkeeping. The session also reviews how off-campus and non-U.S. conduct may still fall under Title IX when it impacts a U.S.-based program

**[Session 2 – Complaints of Sex Discrimination](#)**- Presented by Aaron Lacey, Scott Goldschmidt, Stephanie Fredman, and Leah Northener

This session explains how institutions must handle complaints of sex discrimination under Section 106.45. It clarifies when a Title IX Coordinator must act, how to evaluate whether to initiate a complaint, and when dismissal is required or permitted. The training stresses fair procedures, prompt timelines, and exclusion of impermissible evidence. Even when dismissed, complaints still require appropriate supportive measures. The session highlights key responsibilities for Title IX personnel and steps to ensure impartiality and due process.

**[Session 3 – Student-Related Sex-Based Harassment](#)**- Presented by Aaron Lacey, Scott Goldschmidt, Stephanie Fredman, and Leah Northener

This session focuses on Section 106.46, covering sex-based harassment involving student parties. It includes a breakdown of required grievance procedures, the use of hearing vs. questioning models, and protections for privacy and credibility. The session explains how decision-makers assess relevance, how refusal to answer affects evidence weight, and what's required in written determinations and appeals. It also outlines when and how informal resolution may be used, stressing that it must be voluntary and cannot apply to employee-on-student cases.

**[Session 4 – Pregnancy and Related Conditions](#)**- Presented by Aaron Lacey, Scott Goldschmidt, Stephanie Fredman, and Leah Northener

This final session explores new Title IX protections for pregnancy, childbirth, abortion, and related conditions. Institutions must respond promptly when notified, offering individualized academic modifications, lactation space, voluntary leave, and return-to-status guarantees. The training emphasizes consultation with the student or employee, the need to avoid discriminatory inquiries