



Policy and Procedures: Sexual Harassment and Title IX

Background:

The American Academy of Acupuncture and Oriental Medicine (AAAOM) is committed to taking all reasonable steps to prevent discrimination and harassment from occurring. In addition to other forms of unlawful discrimination, AAAOM maintains a strict policy prohibiting sexual harassment and harassment because of race, color, national origin, ancestry, religion, creed, physical or mental disability, medical condition, marital status and sexual orientation, age or any other basis protected by federal, state or local law, ordinance or regulation. All such harassment is unlawful and will not be tolerated from any student, employee or third party. In addition, AAAOM will take all reasonable steps to prevent discrimination and harassment from occurring.

Sexual Harassment

Federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when: submission to or rejection of such conduct is made a term or condition of employment, admission to an educational program, grades, or graduation; Submission to or rejection of such conduct is used as a basis for employment and/or academic decisions affecting the individual; Such conduct has the purpose or effect of unreasonably interfering with an employee's or student's work performance or creating an intimidating, hostile or offensive working or learning environment. The following is a partial list of acts or other forms of offensive behavior which Minnesota law defines as sexual harassment:

Unwanted sexual advances; Offering employment benefits or grades in exchange for sexual favors; Making or threatening reprisals after a negative response to sexual advances; Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters; Verbal conduct: making or using derogatory comments, epithets, slurs, sexually-explicit jokes, comments about an employee's or student's body or dress; Verbal sexual advances or propositions; Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations; Physical conduct, such as touching, assault, impeding or blocking movements.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job or within an educational environment is unlawful whether it involves co-worker harassment, student harassment, harassment by a Supervisor or Faculty or other employee or student, or by a third-party.

Hostile Environment

Sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title IX.

A hostile environment has been created if sexually harassing conduct by an employee, another student, or a third party is sufficiently serious that it denies or limits a student's or employee's ability to participate in or benefit from the school's program. Under these circumstances, a school must respond.

Title IX Complaint Procedures

AAAOM's Title IX complaint procedure ensures that an impartial decision-maker will investigate any sexual harassment claim, appropriate disciplinary action will be taken against anyone found to have engaged in prohibited sexual harassment, and appropriate remedies will be provided to any victim of harassment. A student, employee or third party may have a claim of harassment even if he or she has not lost a job or some economic benefit.

Students, employees, or third parties who believe they have been sexually harassed at AAAOM or who are aware of the harassment of others, should provide a written or verbal complaint to the Title IX Coordinator as soon as possible. While Title IX does not require students or victims to report sexual harassment, students are encouraged to report. Clinic Supervisors and all Academy staff must immediately refer all harassment complaints to the Title IX Coordinator. A Title IX sexual harassment Complaint Form can be found in the section below under the heading "Complaint Process". The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses. Additionally, all Academy staff members who observe acts of harassment based on sex are recommended to intervene to stop the harassment, unless circumstances would make such intervention dangerous, and immediately report the incident to the Title IX Coordinator.

All incidents of sexual harassment that are reported, will be investigated. The Title IX Coordinator will immediately undertake an effective, thorough, and objective investigation of harassment allegations. The investigation will be completed and a determination regarding the harassment alleged will be made in writing and communicated to the student or employee Complainant(s), and to the accused harasser(s). Third-party reporters, while providing statements as witnesses, will not be notified of any outcomes by the Title IX Coordinator as that information is confidential. The Title IX Coordinator will make every effort to issue a written determination within 60 calendar days, however, due to factors outside the Academy's control, including the fact that students in our program tend to work full time in addition to study, many have children and other obligations, they may have taken a Leave of Absence, and due to our part-time study schedules, if an extension of time is needed it is at the Title IX Coordinator's discretion to grant an extension for good cause, and that notification of the length of the extension and the basis will be provided to the parties. The Title IX Coordinator is required to document all reports of incidents of harassment consistent with the Title IX Record Keeping Policy.

If the Title IX Coordinator determines that sexual harassment has occurred, effective remedial action commensurate with the circumstances will be taken to prevent any future harassment. If a complaint of sexual harassment is substantiated, appropriate disciplinary action, up to and including discharge (employee) or permanent dismissal (student) will be taken. Whatever action is taken against the harasser will be communicated in writing to the student or employee Complainant as well as the Respondent, and

the President will take appropriate action to remedy any loss to the student or employee resulting from the sexual harassment.

AAAOM's policy, Minnesota law, and Title IX prohibit retaliation against any student or employee by another student or employee or by AAAOM for using this complaint procedure or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a federal or state enforcement agency. Prohibited retaliation includes, but is not limited to, dismissal, demotion, suspension, failure to admit or hire or consideration for hiring or admission, failure to give equal consideration in making academic and employment decisions, failure to make employment recommendations impartially, adversely affecting classroom/working conditions or otherwise denying any employment or other benefit associated with attending classes at AAAOM.

AAAOM Title IX Coordinator

For more information, contact via US Post or in person: Kristin Weston, AAAOM Title IX Coordinator, 1925 County Road B2, Roseville, MN 55113, or call (651) 631-0204 Ext. 313, or via email kristin.weston@aaaom.edu.

Title IX Complaint Process

If an incident has taken place the reporting party should fill out the Title IX Complaint Form and submit it confidentially to the Title IX Coordinator as soon as they can, preferably within 24 hours. Once the Title IX Coordinator is notified, the following process will take place:

- Immediately the Title IX Coordinator will assess and make available individualized services (including interim measures such as no-contact orders and counseling services) as appropriate to either or both the person who was allegedly harassed (herein after "the Complainant") and the alleged harasser (herein after "the Respondent") prior to an investigation or while an investigation is pending.
- An investigator will schedule separate initial meetings with the Complainant and the Respondent. At the initial meeting, the investigator will review the Title IX Complaint Process and answer any questions the individuals have about the Complaint Process. The Title IX Coordinator will at the very least attempt to reach out to the Complainant and the Respondent (via phone, text, email or US Post) within one week.
- Upon notification that an incident has occurred, the investigator will provide each party the opportunity to submit a written statement, present evidence and identify potential witnesses within a reasonable timeframe (ideally within 30 days).
- The investigator will gather relevant evidence and interview witnesses and others as appropriate. Additional interviews may be requested with both parties in order to gather as much information as possible and to keep the parties informed of information received in the case.
- The Title IX Coordinator will make every effort to issue a written determination within 60 calendar days, however, due to factors outside the Academy's control, including the fact that students in our program tend to work full time in addition to study, many have children and other obligations, they may have taken a Leave of Absence, and due to our part-time study schedules, if an extension of time is needed it is at the Title IX Coordinator's discretion to grant an

extension for good cause, and notification of the length of the extension and the basis will be provided to the parties.

- In the event a respondent chooses not to participate in an investigation and/or withdraws from the Academy before resolution of the complaint, the Complaint Process will continue absent the respondent's involvement. If the respondent waives his or her right to participate, the respondent also waives the right to appeal the outcome.
- The investigator will prepare a report for the Title IX Coordinator (or, as may be the case at AAAOM if the investigator and the Title IX Coordinator are the same person a report will be prepared) to be kept within the Title IX record-keeping system. Once the Title IX Coordinator signs off on the investigative report, the parties will receive a Decision Notification Letter setting forth the determination and the reasoning for the determination. Both parties have a right to appeal the decision of the investigator within 10 business days after the date on the Decision Notification Letter. The party can appeal by forwarding a written, confidential letter to the Title IX Coordinator requesting an appeal. The only grounds for appeal that the Title IX Coordinator will accept is the omission of fact, evidence or witness that was not available at the time of the investigation and that if had been available at the time of the investigation likely would have resulted in a different outcome as well as the finding that a procedural error had occurred. However, the other party will be provided a copy of the appeal and has the right to submit a written response to the appeal within 10 business days.

Additional Enforcement

In addition to AAAOM's Complaint Process, the federal Equal Employment Opportunity Commission (EEOC) and the Minnesota Department of Fair Employment & Housing (DFEH) investigate and prosecute complaints of sexual harassment. Employees who believe that they have been sexually harassed may file a complaint with either of these agencies. Both the EEOC and DFEH serve as neutral fact finders and attempt to help the parties voluntarily resolve disputes. Contact information for the local offices of the EEOC and DFEH can be found online or in the telephone directory. Students may report to the United States Department of Education, Office for Civil Rights, John C. Kluczynski Federal Building, 230 South Dearborn Street, 37th Floor, Chicago, Illinois 60604. Telephone: (312) 730-1560; Facsimile: (312) 730-1576 [Email: OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

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