


# American College of Acupuncture & Oriental Medicine

## ADMINISTRATIVE PROCEDURE

			SEXUAL HARASSMENT.		PROCEDURE NO.1404		
						REV. NO. 5	
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REV	DATE	ACTION	PREPARED BY	APPV'D BY			
0	07/24/95	INITIAL ISSUE	HWJ	MJL			
4	10/15/09	REVISED	HWJ	ML			
5	12/29/14	Revised					

### 1.0 General

The institution is committed to maintaining free of objectionable and disrespectful conduct and communication of a sexual nature, especially when such conduct is imposed by one person on another and adversely affects a staff member's employment relationship or working environment. Sexual harassment regarding students is likewise covered by this policy.

### 2.0 Definition

For the purpose of this policy, sexual harassment is identified as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or class grade.
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such an individual, or
3. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating hostile or offensive environment.

### 3.0 Policy

It shall be a violation of institutional policy for anyone who is authorized to recommend or take personal actions affecting a staff member or a student to:

1. Make sexual advances or request sexual favors when submission to or rejection of such conduct is the basis for either implicitly or explicitly imposing or granting terms and conditions of employment and/or success in the school program that either favorably or adversely affect the individual's welfare.
2. Grant, recommend, or refuse to take any personal action because of sexual favors, or as a

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reprisal against a staff member or a student who has rejected or reported sexual advances.

3. Disregard and fail to investigate allegations of sexual harassment, whether reported by the staff member who is the subject of the alleged harassment, a witness, or a student and to fail to take immediate corrective action in the event misconduct has occurred.
4. It shall also be a violation of this policy for any staff/faculty member to abuse another or to abuse a student through disrespectful conduct or communication of a sexual nature.

Whenever such misconduct is alleged to have occurred, the aggrieved party should immediately inform the Vice President of Operations in writing by completing a written account of the incident(s). The Vice President of Operations will immediately investigate the alleged violation and take appropriate corrective action when it is established misconduct occurred. If the Vice President of Operations is not available to address the complaint, the president may assign the Dean of Academic Affairs to investigate and take corrective action.

A staff member, faculty member, or student alleging either sexual harassment or failure by the Vice President of Operations to take immediate action on the individual's complaint of being sexually harassed may file a formal grievance. Filing a grievance or otherwise reporting sexual harassment will not cause any reflection on the individual's status as a staff member or student, nor will it affect any future employment, compensation, or work assignments of faculty and staff members, and/or the future academic success of a student.

The right to confidentiality, both to the complainant and of the accused, will be respected insofar as it does not interfere with the institution's legal obligation or ability to investigate allegations of misconduct when they are brought to its attention, or to take corrective action when it is found that misconduct has occurred.

#### **4.0 Recognizing Sexual Harassment**

Sexual harassment encompasses any sexual attention that is unwanted. Sexual harassment takes many different forms, which include, but are not limited to the following:

- Verbal – Sexual innuendoes, suggestive comments, insults, humor, and jokes about sex or gender-specific traits; sexual propositions; threats
- Nonverbal – suggestive or insulting sounds, leering, whistling, obscene gestures, display of graphic materials having a sexual orientation
- Physical – pinching, touching, or brushing the body; coerced sexual intercourse; assault

#### **5.0 Recommended Actions and Procedure for a Complaint**

Because of the private nature of most sexual harassment incidents and the emotional and moral complexities surrounding such issues, every effort should be made to allow for an informal

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resolution of harassment concerns while protecting confidentiality for both sides.

- a. In circumstances where one does not think one's personal safety will be jeopardized, communicate clearly to the offender that the behavior is not welcomed and should cease immediately.
- b. Discuss one's concerns with his/her supervisors or other appropriate support person in an effort to resolve the problem informally.
- c. If, following the above consultation, the person alleging sexual harassment should wish to make a formal complaint, he or she should submit a written complaint to the Vice President of Operations for an investigation and appropriate actions.