


American College of Acupuncture & Oriental Medicine

ADMINISTRATIVE PROCEDURE

 SEXUAL MISCONDUCT PREVENTION POLICY & PROCEDURE			PROCEDURE NO.1422	
			REV. NO. 1	
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REV	DATE	ACTION	PREPARED BY	APPV'D BY
0	06/30/15	Initial Issue		
1	03/06/17	Revised		

1.0 ACAOM's Policy Statement on Sexual Misconduct

To maintain a campus environment emphasizing the dignity and worth of all members of its community, ACAOM is committed to creating and maintaining an educational environment free from all forms of sex discrimination, and strictly prohibits all sorts of sexual misconducts including the offenses of domestic violence, dating violence, sexual assault, and stalking.

It is the policy of ACAOM that, upon learning that an act of sexual misconduct has taken place, immediate actions will be taken to address the situation. These include seeking disciplinary action through the college and working with State and local law enforcement to bring possible criminal charges.

ACAOM encourages the reporting of sexual misconduct that is prompt and accurate. ACAOM is committed to protecting the confidentiality of victims, and will work closely with students who wish to obtain confidential assistance regarding an incident.

It is the collective responsibility of all members of ACAOM community to foster a safe and secure campus environment. In an effort to promote this environment and prevent sexual misconducts from happening, the College engages in on-going prevention and awareness education programs that require all incoming students and new employees to participate.

2.0 Legal Requirements

2.1 The Title IX of the Education Amendments of 1972 prohibits discrimination (including sexual harassment and sexual violence) based on sex in the College's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. Educational programs and activities that receive ED funds must operate in a nondiscriminatory manner. Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; financial assistance; athletics; sex-based harassment;

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treatment of pregnant and parenting students; discipline; single-sex education; and employment.

2.2 The Clery Act (20 U.S.C. §1092(f)) requires annual reporting of statistics for various criminal offences including forcible and non-forcible sex offences and aggravated assault.

2.3 The Violence Against Women Reauthorization Act (VAWA) adds domestic violence, dating violence, and stalking to the existing regulations. The definitions are:

- “Domestic violence” includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- “Dating violence” means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
- “Stalking” means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

3.0 Scope of the policy

3.1 This policy applies to all members of the ACAOM community, including students, faculty, staff, clinic patients, and other third parties who are on campus and involved in an incident of sexual misconduct. The policy applies to all parties regardless of sexual orientation or gender identity.

3.2 This policy prohibits all forms of sexual misconduct. This broad term includes, but is not limited to, acts of sexual harassment, sexual violence, sexual coercion, sexual threats or intimidation, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking.

3.3 This policy covers conduct that takes place on the college campus. This includes any building or property owned or controlled by ACAOM and used in direct support of, or in a manner related to, the school’s educational purposes.

3.4 This policy covers all educational, extracurricular, or other school-related activities, including, but not limited to, student organizations, community organizations with student [and/or faculty] participation, and all other educational or extracurricular events hosted by or at the college.

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4.0 Education and Prevention program

The College’s Educational program focuses on the prevention and awareness of sexual misconducts for all incoming students and new employees and ongoing awareness and prevention campaigns for students, faculty, and staff that:

- Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct
- Define what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Define what behavior and actions constitute consent to sexual activity under the College policy and in the State of Texas;
- Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act.

To implement this program, a copy of this policy together with the College’s Sexual Harassment Policy, and the Annual Security Report will be distributed annually as follows:

- Distribute by emails to all students and employees annually
- Distribute to new students and new employees during their orientation sessions
- Post these documents to the College’s website

5.0 Procedures Survivors Can Follow After an Offense

A victim (survivor) of sexual violence, stalking, or dating or domestic violence may consider the following:

5.1 Consider contacting local law enforcement to file a report and notify a College designated Title IX Coordinator or Campus Security Authority, who can provide support and help identify available resources. The duties of the Title IX Coordinator include responding to incident reports, coordinating communication and record keeping among offices and agencies, disseminating information to the campus through materials and training sessions, ensuring that the victim receives whatever immediate care and follow-up are needed, establishing procedures for classifying and counting incidents, and filing Clery reports that are as comprehensive and accurate as possible.

5.2 Talk with a confidential counselor, who will help explain your options, and provide relevant information and emotional support.

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5.3 In addition to a student survivor’s choice to pursue options through the legal system, if the alleged perpetrator is College affiliated, there are disciplinary and non-disciplinary options available through ACAOM.

6.0 Reporting Sexual Violence

6.1 A victim may report sexual violence to local law enforcement, the Title IX Coordinator or a Campus Security Authority who will assist in gaining information that may lead to the arrest of an offender or aid in the investigation of other incidents.

6.2 A victim may also choose to pursue College disciplinary action. In any disciplinary proceeding alleging a sex offense, the accuser and the accused are entitled to the same opportunities to have others present as representatives and witnesses. Possible sanctions in the event of a finding of in violation include, but are not limited to, suspension and exclusion.

6.3 This procedures serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, which include informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services. Also included are additional remedies to prevent contact between a complainant and an accused party, such as academic, and working accommodations, if reasonably available.

6.4 The survivor has the right to choose whether to file a police report. Campus Security Authority has the duty to inform the police for Clery purposes. Typically, timely reporting to the police is an important factor in successful investigation and prosecution of sexual violence cases. Reporting sexual violence to the police will assist in gaining information that may lead to the arrest of an offender or aid in the investigation of other incidents. The investigation and prosecution, or discipline, of the offender may help prevent future incidents. Reporting the incident does not mean a sexual violence survivor is obligated to take the offender to court (i.e., prosecute). In addition to, or instead of, possible criminal prosecution, a survivor may also choose to pursue a complaint through applicable College procedures.

Although the College encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. Upon request, College officials are available to assist any victim with notifying local police if they so desire.

6.5 The College also encourages individuals to report incidents of sexual misconduct to the ACAOM Title IX Coordinator and/or Campus Security Authority. All College employees (including student employees), as well as non-employees with teaching or supervisory authority, are obligated

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to report sexual misconduct of which they become aware to a Title IX Coordinator or Campus Security Authority, unless they have a recognized confidentiality privilege. Title IX Coordinator will assist an ACAOM community member in reporting a sexual offense (or other crime) to local law enforcement authorities.

7.0 College Procedures for Investigating and Resolving a Complaint

The College disciplinary process will include a prompt, fair, and impartial investigation and resolution process.

- a. The accuser and the accused individual each have the opportunity to attend a hearing before a properly trained hearing board or meet with a properly trained investigator;
- b. The accuser and the accused individual each have the opportunity to be accompanied by an advisor of their choice at any stage of the process and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;
- c. A decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused individual violated the College’s policy?”
- d. The accuser and the accused will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final and they will also be made aware when such results become final; and
- e. The accuser and the accused each have the right to appeal the outcome of a hearing or investigation and will be notified simultaneously in writing of the final outcome after the appeal is resolved.

8.0 Assistance for Survivors

8.1 Protective Measures

Regardless of whether a victim chooses to report a crime to the Campus Security Authority or local law enforcement, the Title IX Coordinator will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible.

Examples of interim protective measures include, but are not limited to: an order of no contact, safe-space zones, adjustment of course schedules or work-study employment, a leave of absence,

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transportation arrangements, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of these directives and/or protective measures will constitute violations that may lead to disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by ACAOM.

8.2 Sanctions

Sanctions against students, faculty and staff

In all cases, investigations that result in a finding of more likely than not that a violation of the Policy on Sexual Misconduct, Stalking, and Dating and Domestic Violence occurred will lead to the initiation of disciplinary procedures against the accused individual. Disciplinary sanctions that may be imposed for violations of the Policy on Sexual Misconduct, Stalking, and Dating and Domestic Violence include, but are not limited to exclusion, suspension, deferred suspension, disciplinary probation, and warning, loss of privileges or activities, and termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and/or civil penalties under US and other applicable laws.

A student or employee who reports to the Title IX Coordinator shall be provided with a written explanation of the student or employee’s rights and options, to include a link to all of the information contained in this policy.

Sanctions against Clinic patients and other third party individuals

Investigations that result in a finding of more likely than not that a violation of this policy occurred will lead to prohibiting these individuals from entering into the campus buildings and its affiliated facilities, or participating in other out-of-campus College events. Serious criminal acts will be reported to law enforcement agencies for legal proceedings, and the perpetrators may subject to criminal and/or civil penalties under applicable laws.

9.0 Prohibition of Retaliation

ACAOM strictly prohibits any retaliation against any individual for reporting, providing information, exercising one’s rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct. Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual will be addressed in the most serious way by ACAOM, and individuals who engage in such actions are subject to disciplinary action that may include suspension, exclusion, or dismissal from the College.

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Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator, who shall take appropriate actions to address such conduct in a prompt and equitable manner.

10.0 Confidentiality

The College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the best of its ability. All reports and information concerning conduct that is inconsistent with this policy will be handled discreetly, with facts made available to those who need to know to respond, investigate, and/or resolve the matter.

When a complainant does not consent to the disclosure of his or her name or other identifiable information of the alleged perpetrator, the College’s ability to respond to the complaint may be limited.

11.0 Campus Security Officials

11.1 Titles and Responsibilities

Campus Security Authority

The Campus Security Authority is a College designated official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. This official has the authority and the duty to take action or respond to particular issues on behalf of the institution.

The Title IX Coordinator

The duties of the Title IX Coordinator include responding to incident reports, coordinating communication and record keeping among offices and agencies, disseminating information to the campus through materials and training sessions, ensuring that the victim receives whatever immediate care and follow-up are needed, establishing procedures for classifying and counting incidents, and filing Clery reports that are as comprehensive and accurate as possible.

11.2 Contact Information

Campus Security Authority – Angelia Guinara, 713-780-9777 aguinara@acaom.edu
 Title IX Coordinator – Theresa Ligon, 713-780-9777 tligon@acaom.edu