

Title IX Policy Statement

It is the policy of the Arkansas College of Osteopathic Medicine to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in ARCOM's Programs and Activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination.

Title IX issues regarding students will be forwarded to the Associate Dean of Student Affairs. Title IX claims by employees of AHCE and ARCOM, and not regarding students, will be forwarded to the Director of Human Resources.

It is the responsibility of the respective Title IX coordinator to coordinate dissemination of information and education and training programs to:

- assist members of the ARCOM community in understanding that sex discrimination and sexual harassment are prohibited by this policy;
- ensure that investigators are trained to respond to and investigate complaints of sex discrimination and sexual harassment;
- ensure that employees and students are aware of the procedures for reporting and addressing complaints of sex discrimination and sexual harassment; and
- implement the Complaint Resolution Procedures, or to designate appropriate persons for implementing the Complaint Resolution Procedures

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Because ACHE and ARCOM recognizes sex discrimination and sexual harassment as important issues, it offers educational programming to a variety of groups such as campus personnel, incoming students participating in orientation, and members of student organizations.

Administrators, Deans, Department Chairs, and Other Managers

It is the responsibility of administrators, deans, department chairs, and other managers (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of Title IX policy
- Work with the Title IX coordinator to implement education and training programs for employees and students
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

All Employees and Students

It is the responsibility of all employees and students to review and comply with ACHE and ARCOM's Title IX policy.

The College

When ARCOM is made aware that a member of the ARCOM community may have been subjected to, or may have been affected by conduct that violates Title IX policy, ARCOM will take prompt action including a review of the matter and, if necessary, conduct an investigation carefully taking appropriate steps to stop and remedy the discrimination or harassment. ARCOM will act in accordance with its Complaint Resolution Procedures.

Title IX Complaint Resolution Procedures

The complaint resolution procedures can be found on the ARCOM website at www.arcomedu.org and are the exclusive means of resolving complaints alleging violations of the Title IX: Non-Discrimination and Anti-Harassment Policy. To the extent there are any inconsistencies between these complaint resolution procedures and other ARCOM grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging violations of the Title IX: Non-Discrimination and Anti-Harassment Policy.

ACHE and ARCOM are committed to maintaining study and work environments that are free from discriminatory harassment in any form. Any act of harassment (i.e., physical, psychological, verbal, or sexual) that threatens a person or persons is considered a serious offense and will not be tolerated or condoned. Any person or group who commits acts of harassment on or off campus will be subject to disciplinary action, which could result in dismissal from ARCOM.

Sexual Harassment, Sexual Assault and Disciplinary Policies

Title IX of the Education Amendments of 1972 (amending the Higher Education Act of 1965) is a federal gender equity law that prohibits discrimination based on sex in education programs and activities that receive federal funding. Sexual harassment, which includes sexual violence and other forms of nonconsensual sexual misconduct, is a form of sex discrimination and is prohibited under this law. Title IX states: “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 assistance...” (20 U.S.C. section 1681).

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical contact of a sexual nature. This conduct constitutes unlawful sexual harassment when:

- Submission to this conduct is explicitly or implicitly made a term or condition of an individual’s employment or academic success.
- Submission to or rejection of this conduct is used as the basis for an employment or academic decision.

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile, or offensive work environment.

Sexual harassment refers to behavior that is not welcome, is personally offensive, is debilitating to morale, and interferes with academic or work effectiveness. It frequently (though not necessarily) occurs as an abuse of authority where the parties are in an unequal power relationship. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment may include:

- Verbal: Sexual innuendoes, suggestive comments, joke of a sexual nature, sexual propositions, implied or explicit threats, and offensive or obscene
- Non-Verbal: Sexually suggestive objects, graffiti, cartoons, posters, calendars, writings, pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, stalking, staring, and making obscene
- Physical: Unwanted or unwelcome physical contact, including touching, pinching, grabbing, holding, hugging, kissing, brushing the body, assault, and rape. While sexual harassment usually involves members of the opposite sex, it also includes same sex harassment (i.e., males harassing males and females harassing females).

Sexual harassment may be subtle or overt. Some behavior that is appropriate in a social setting is not appropriate in the workplace or in an academic environment. Regardless of the form, verbal, non-verbal, or physical sexual harassment is inherently destructive, insulting, and demeaning to the recipient and will not be tolerated at ACHE and ARCOM.

Behavior that constitutes sexual harassment, which is a form of sexual discrimination prohibited by Title IX of the Education Amendments of 1972 and Title VII of the 1964 Civil Rights Act, includes but is not limited to unwanted sexual attention, requests for sexual favors and/or other verbal or physical contact of a sexual nature which negatively affects another person.

All Students and Employees

It is the responsibility of all students and employees to review this policy and comply with it.

ACHE/ARCOM Response to Harassment or Discrimination

When any ACHE or ARCOM official becomes aware that a member of the campus community may have been subjected to or may have been affected by conduct that violates this policy, prompt action will be taken, including a review of the matter and, if necessary, conduct an investigation and take appropriate steps to stop and remedy the discrimination or harassment. The ACHE/ARCOM response will be in accordance with its Complaint Resolution Procedures.

Sexual Harassment Complaint Resolution Procedures Filing a Complaint

Employees: All ACHE and ARCOM employees have a duty to report sex discrimination and sexual harassment to the Office of Human Resources.

Students and Other Persons: Students who wish to report sex discrimination or sexual harassment should file a complaint with the Title IX coordinator in the Office of Student Affairs.

Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights by visiting:

<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or by calling 1-800-421-3481.

Content of the Complaint

So that ACHE and/or ARCOM has sufficient information to investigate a complaint, the complaint should include:

- the date(s) and time(s) of the alleged conduct;
- the names of all person(s) involved in the alleged conduct, including possible witnesses;
- all details outlining the offense; and
- current contact information for the complainant so that ACHE and/or ARCOM may follow up appropriately.

Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sex discrimination or sexual harassment that also constitutes a crime—including sexual violence—is encouraged to make a complaint to local law enforcement. If requested, ACHE and ARCOM will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911.

Domestic Violence, Dating Violence, Sexual Assault and Stalking Prevention

The Arkansas Colleges of Health Education prohibits domestic violence, dating violence, sexual assault and stalking as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Allegations of domestic violence, dating violence, sexual assault and stalking may be investigated by Director of Student Services, Human Resources Director or Office of Police and Security depending on the type of allegation. Student offenders may be referred to Student Progress Committee for disciplinary action and or referred to the appropriate law enforcement agency for criminal proceedings.

ACHE provides personal counseling and health services to students, faculty and staff who are victims of domestic violence, dating violence, sexual assault or stalking.

Definition of Consent in Reference to Sexual Activity

Arkansas criminal statutes does not specifically define consent as it relates to sexual activity. However, consent is reviewed on a case by case basis during criminal proceedings based on the facts of the case. In general consent is defined as permission given for something to happen or an agreement to do something. The absence of consent or silence cannot be interpreted as consent.

Bystander Intervention

Bystander intervention can play a key role in the prevention of dating, family and sexual violence. Bystanders are often in a position where they witness activities that may lead to dating, family or sexual violence. In these situations, intervening action by a bystander may safeguard victims from violence. Intervening action can be as simple as asking if someone needs help or reporting suspicious activity.

The ACHE Office of Police and Security provides a safe and anonymous way for a bystander to report activity or conditions that lead to violence by utilizing the “anonymous tip” function in the Rave Guardian Campus Safety smartphone application.

Personal Safety Tips for Risk Reduction

- Use the personal safety features on the Rave Guardian Mobile Safety smartphone
- Always maintain situational awareness. Be aware of your surroundings.
- Be cognizant of your location, try to avoid unfamiliar, isolated
- Walk with confidence and purpose, so as not to appear lost or
- At unfamiliar social gatherings, go with a friend or someone you trust.

Prevention and Awareness Program

The primary prevention and awareness program for all new students is the Student Wellness Panel during new student orientation. During this panel, students receive information on the legal requirements of Title IX, information on awareness and prevention of sexual assault, dating violence, stalking and sexual harassment.

All new employees are provided with the employee handbook, which details the college’s policies on anti- harassment, sexual harassment, sexual violence and Title IX. Additionally, all new employees are also required to complete training courses on “Sexual Harassment Prevention for Employees” and “Title IX for Higher Education”.

The Office of Police and Security, in conjunction with the college administration, continually reviews and modifies the college environment to enhance the overall safety and security of the campus. As an example, the location of security cameras, building access procedures, traffic flow and signage, emergency call- station locations, and campus lighting are just a few safety concerns that that are constantly reviewed for effectiveness.

Special Guidance Concerning Complaints of Sexual Violence

If you are the victim of sexual violence, do not blame yourself. Sexual violence is never the victim’s fault. ACHE and ARCOM recommend that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy. Victims should also do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Victims of sexual violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape

examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

Once a complaint of sexual violence is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action at ACHE and ARCOM
- requesting that no further action be taken
- For additional crime victim information and resources, see the Victim Information section at arcomedu.org/about/safety-security-overview.

Vendors, Contractors and Third Parties

This policy applies to the conduct of vendors, contractors, and third parties. Persons who believe they have been discriminated against or harassed in violation of this policy should make a complaint in the manner set forth in this section.

Retaliation

It is a violation of this policy to retaliate against any member of the ACHE and/or ARCOM Community who reports or assists in making a complaint of discrimination or harassment, or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section.

Protecting the Complainant

Pending final outcome of an investigation, ACHE and/or ARCOM will take steps to protect the complainant from further discrimination or harassment. This may include allowing the complainant to change his or her academic situation if options to do so are reasonably available.

Timing of Complaints

ACHE and ARCOM encourage persons to make complaints of sex discrimination and sexual harassment as soon as possible because late reporting may limit ACHE and ARCOM's ability to investigate and respond to the complaint.

Investigation and Confidentiality

All complaints of sex discrimination and sexual harassment will be promptly and thoroughly investigated, and ACHE and/or ARCOM will take disciplinary action when appropriate.

ARCOM will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint; however, because of laws relating to reporting, and because of some state and federal laws, ACHE and/or ARCOM cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, ACHE and/or ARCOM will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, ACHE and/or ARCOM's ability to respond may be limited. ACHE and/or ARCOM reserve the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the ACHE and/or ARCOM Community.

Resolution

If a complaint of sex discrimination or sexual harassment is found to be substantiated, ACHE and/or ARCOM will take appropriate corrective and remedial action. Students, faculty, and employees found to be in violation of this policy will be subject to discipline up to and including a written reprimand, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from ACHE and/or ARCOM programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant; academic, work, or living accommodations for the complainant; separation of the parties; and training for the respondent and other persons.

Bad Faith Complaints

While ACHE and/or ARCOM encourage all good faith complaints of sex discrimination and sexual harassment, ACHE and/or ARCOM have the responsibility to balance the rights of all parties. Therefore, if an ACHE and/or ARCOM investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.