



# The American Institute of Alternative Medicine

## Title IX Sexual Harassment Policy



## AIAM Sexual Misconduct and Title IX Sexual Harassment Policy Effective August 14, 2020

School employees and students are expected to abide by all local, state, and federal criminal laws. AIAM educates the student community about acceptable student conduct including the desire to have the campus free from sexual harassment through mandatory new student orientations four times a year. AIAM prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and is committed to maintaining a campus environment that emphasizes the dignity and worth of all community members.

All programs taught at AIAM involve interpersonal relations and physical touch. Across all curriculums, students receive education on establishing boundaries relative to touch and ethics. Student conduct policies require that students not engage in any sexual activity and/or sexual harassment on school premises or while engaged in any program or activity associated with the school.

This Sexual Misconduct and Title IX Sexual Harassment Policy describes AIAM's prohibition against sexual misconduct as well as sexual harassment as defined by federal regulations issued by the United States Department of Education. This policy applies only to sexual misconduct and/or harassment that is committed by a participant in connection with an AIAM program or activity. The policy does not cover sexual misconduct and/or harassment committed by a third party that is not participating in an AIAM program or activity. This statement of policy is intended to inform the AIAM community of our programs to address domestic violence, dating violence, sexual assault, sexual harassment, and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, sexual harassment, and stalking.

### I. GENERAL DEFINITIONS

**Advisor:** In the formal resolution and investigation process, a person who attends hearings and meetings with the reporting and/or responding party, to provide advice and support. This can be any person of the reporting or responding party's choosing, including a friend, relative, or lawyer.

**Coercion:** Unreasonable pressure for sexual activity. Continued pressure beyond the point when someone has made it clear that they do not want to engage in sexual behavior.

**College Program or Activity:** A program or activity (including employment and enrollment) that is managed by or supervised by the college.

**Confidential Advisor:** An AIAM employee designated and trained to assist students in the process of reporting a sexual harassment or misconduct complaint. The Confidential Advisor is not required to disclose information to the authorities or the Title IX Coordinator. AIAM's Confidential Advisor is Jennifer Nickell, [jnickell@aiam.edu](mailto:jnickell@aiam.edu)



**Consent:** Consent is clear, unambiguous, and voluntary agreement between participants to engage in specific sexual activity. Consent must be actively and freely given, informed and mutually understandable to engage in a particular activity. Consent is also specific to a given situation and may be withdrawn at any time. Consent cannot be procured by the use of physical force, compelling threats, intimidating behavior or coercion. A person who is incapacitated or unable to give consent due to age or an intellectual and/or other disability cannot validly give consent. A current or previous dating or sexual relationship is not sufficient to constitute consent to sexual activity and does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one’s responsibility to obtain consent.

**Dating Violence:** The Clery Act defines the crime of dating violence as follows:  
Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Includes but is not limited to sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic Violence:** The Clery Act defines the crime of Domestic Violence as follows:

A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting

The state of Ohio defines domestic violence as follows:

(1) “Domestic violence” means any of the following:

a. The occurrence of one or more of the following acts against a family or household member:

- (i) Attempting to cause or recklessly causing bodily injury;
- (ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;
- (iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;
- (iv) Committing a sexually oriented offense.

b. The occurrence of one or more of the acts identified in divisions (1)(a) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.



**Force:** Use of physical violence on someone to gain sexual access.

**Formal Complaint:** A document signed and dated by the reporting party or the Title IX Coordinator alleging a violation of the Title IX Sexual Harassment Policy and requesting a resolution process to be used.

**Formal Resolution/Investigation Process:** A process in response to a formal Title IX complaint involving an investigation, hearing, corrective action, and potentially an appeal.

**Incapacitation:** Lacking the physical and/or mental ability to make informed, rational judgments.

**Mediation:** An alternative to the formal resolution process. Available on a voluntary basis if both parties are willing to mediate, in cases of sexual harassment or sex discrimination. Cannot be used in place of formal resolution process if the complaint is by a student regarding an employee.

**Reporting Party:** The individual who reported that they experienced or witnessed sexual misconduct, regardless of whether that individual participates in the disclosure or review of that report by the College at any point. A reporting party must be participating in or attempting to participate in a program or activity of the college. AIAM may sign a formal complaint on behalf of the reporting party.

**Responding Party:** Faculty, staff, student, or participant in a program who is reported to have violated the Title IX Sexual Harassment Policy. A responding party must be participating in or attempting to participate in a program or activity of the college.

**Retaliation:** Any attempt to intimidate, threaten, coerce, or take adverse action against a reporting party, responding party, witness, or any other person participating in or conducting an investigation or resolution of a complaint that negatively alters the terms, conditions or benefits of that individual's equitable access to AIAM programs or activities.

**Sexual Assault:** The Clery Act defines the crime of sexual assault as follows:

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

**Sex Discrimination:** An adverse action taken against an individual because of gender or sex (including Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking). Persons of all genders and gender identities can be victims of Sex Discrimination.



**Sexual Harassment:** For Title IX Purposes, the definition of sexual harassment includes any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:

1. *Quid pro quo* harassment: unwelcome sexual advances, requests for sexual favors, or other unwelcome sexual conduct by an employee of the College if acceptance or rejection of such conduct is used to determine aid, benefit, or service in programs or activities.
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access.
3. Any instance of sexual assault, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

**Sexual Misconduct:** A broad term encompassing sexual assault, sexual exploitation, non-consensual sexual contact, and sexual harassment. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress. For the purposes of this definition:

- Course of conduct means two or more acts, including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Supportive Measures:** Non-disciplinary and non-punitive services offered to both reporting and responding parties that are designed to restore or preserve equitable access to programs and activities, to ensure the safety of the reporting and responding parties or the campus community, or to deter sexual misconduct. Supportive measures are not appropriate if they create an unreasonable burden on the college or other community members. Supportive measures are provided by the college without charge. Possible supportive measures may include but are not limited to:

- Facilitating access or referral to counseling or medical services;
- No contact orders;
- No trespass orders;
- Academic accommodations: rescheduling exams, assignments;
- Academic support: tutoring, etc.; and/or
- Voluntary leave of absence.

**Title IX:** Title IX of the Education Amendments of 1972 (Title IX) is a federal law that prohibits sex-based discrimination in education programs that receive federal financial assistance.

**Title IX Coordinator:** A college official designated and authorized to ensure compliance with Title IX and related policy. AIAM's Title IX Coordinator is Melissa Fischer. Inquiries or complaints should be addressed to the Title IX Coordinator:

Melissa Fischer  
6685 Doubletree Ave, Columbus, OH 43229  
614-825-6625 [mfischer@aiam.edu](mailto:mfischer@aiam.edu)



## II. REPORTING AN INCIDENT

If you have experienced a sexual assault or any other crime, contact local law enforcement to make a report. In an emergency, call 911. For non-emergency calls the Columbus Police Department can be reached at 614-645-4545. Persons who have experienced Sexual Misconduct/Sexual Assault, including Rape, Dating Violence, Domestic Violence, or Stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care.

### ***Title IX Coordinator:***

The Title IX Coordinator oversees complaints of sexual harassment and misconduct at AIAM. The Title IX Coordinator is trained to work with individuals who have experienced sexual harassment and misconduct and can provide information about the pertinent resources, services, and options available. Reports of sexual harassment must be reported to the Title IX Coordinator. A report can be made at any time, including outside of usual business hours. Begin the reporting process or get more information by emailing Melissa Fischer, Assistant Director of Education/Student Services/Title IX Coordinator, at [mfischer@aiam.edu](mailto:mfischer@aiam.edu). AIAM responds to allegations of sexual harassment and misconduct in a prompt, fair, and equitable manner.

AIAM employees are obligated to report incidents of sexual harassment and misconduct of which they become aware (except the Confidential Advisor). If you witness sexual harassment or misconduct happening to someone else, you can also make a report by contacting the Title IX Coordinator.

### ***Confidential Advisor:***

The Title IX Coordinator is required to investigate reports of Title IX violations and cannot promise confidentiality. If you are uncertain about whether you want to make a report to the Title IX Coordinator, you can contact AIAM's Confidential Advisor instead. The Confidential Advisor can report incidents of sexual misconduct to the Title IX Coordinator while maintaining the student's confidentiality and can discuss your situation with you without sharing identifying information with others. The Confidential Advisor also provides information to help you make a decision or seek further help, and can assist with access to academic support and/or accommodations, schedule changes, no contact arrangements, and referral to law enforcement, health, or mental health services. Individuals who first request confidentiality can later decide to file a formal complaint with the Title IX Coordinator and/or make a report of the incident to law enforcement. AIAM's Title IX Confidential Advisor is Jennifer Nickell. She can be contacted at [jnickell@aiam.edu](mailto:jnickell@aiam.edu) or 614-825-6255

## III. RESPONSE PROCEDURES

### **a. Mediation Option**

After a formal report of sexual harassment, sexual misconduct, or sex discrimination is filed, the Title IX Coordinator will respond within 24 hours to the reporting party. The reporting party will meet with the Title IX Coordinator within 3 days



to discuss the options for mediation (where those options exist) and to suggest desired outcomes. The reporting party will be given a written explanation of their rights and options. The Title IX Coordinator will notify the reporting party of any supportive measures available. The Title IX Coordinator will ultimately determine whether mediation is an appropriate resolution for a sexual harassment or discrimination dispute. When mediation is offered, both the reporting party and the responding party must voluntarily choose to participate in mediation as an alternative to a formal investigation. Reports of sexual misconduct cannot be resolved in mediation and require formal investigation. Reports of sexual harassment or sexual discrimination by a student regarding an employee require formal investigation.

Within 7 days after a report of sexual harassment, sexual misconduct, or sex discrimination is filed, the Title IX Coordinator will issue a written notice to both parties that includes:

- A discussion of the mediation and formal complaint process;
- The specific allegations of sexual harassment, sexual misconduct, or discrimination;
- Details about the circumstances surrounding the incident;
- A statement that the responding party is presumed innocent and that a determination of responsibility is not made until the conclusion of the process;
- A statement regarding both parties' right to an advisor;
- A statement regarding both parties' right to review and inspect evidence;
- A statement informing both parties of AIAM's prohibition of making false statements or knowingly submitting false information.

The Title IX Coordinator will meet separately with the responding party. The responding party will have the opportunity to share further information regarding the complaints at this time. The Title IX Coordinator will share the reporting party's desired outcomes and choice of mediation in place of formal investigation.

The goal of mediation is to examine the attitudes and behaviors that contributed to the conflict or harm and to resolve the conflict. If both parties agree to mediation, a written agreement outlining the process for dispute resolution will be provided to both parties.

During the mediation process, the reporting party, responding party, and mediator participate in meetings. Advisors and support persons are not permitted in the mediation process unless agreed to by both parties. The mediator will work with the parties to reach a written resolution agreement and to supervise compliance with the terms of the agreement.

Once the parties have completed terms of the resolution agreement, the mediator will provide a final report indicating the matter has been resolved, and the Title IX Coordinator will confirm in writing to both parties that the mediation process is complete and that resolution of the formal complaint has been achieved.

#### **b. Formal Resolution Option (Investigation)**

Formal resolution and investigation must be conducted:

- When the mediation option is deemed inappropriate by the Title IX Coordinator;
- If the reporting party or responding party refuse the mediation option;
- When the complaint is by a student against an employee; or
- When the complaint pertains to sexual misconduct rather than sexual harassment or sex discrimination.



The formal investigation process involves pre-investigation, investigation, hearing, and corrective action phases. If chosen, an appeal phase may also occur.

### ***Pre-Investigation***

After a formal report of sexual harassment, sexual misconduct, or sex discrimination is filed, the Title IX Coordinator will respond within 24 hours to the reporting party. The reporting party will meet with the Title IX Coordinator within 3 days to discuss the formal investigation process.

Within 7 days after a report of sexual harassment, sexual misconduct, or sex discrimination is filed, the Title IX Coordinator will issue a written notice to both parties that includes:

- A discussion of the mediation and formal complaint process;
- The specific allegations of sexual harassment or misconduct;
- Details about the circumstances surrounding the incident;
- A statement that the responding party is presumed innocent and that a determination of responsibility is not made until the conclusion of the process;
- A statement regarding both parties' right to an advisor;
- A statement regarding both parties' right to review and inspect evidence; and
- A statement informing both parties of AIAM's prohibition of making false statements or knowingly submitting false information.

The Title IX Coordinator will meet separately with the responding party. The responding party will have the opportunity to share further information regarding the complaints at this time. The Title IX Coordinator will share the reporting party's desired outcomes and choice of mediation or formal investigation (where applicable).

### ***Investigation***

Either the Title IX Coordinator or a trained investigator will conduct the formal investigation. The investigator will conduct a fact-finding investigation and will meet separately with the reporting party, responding party, and pertinent witnesses. Investigations are prompt, fair, and impartial. The investigator will document the steps taken to gather evidence, even when those efforts are not successful. The investigator will prepare a written report at the conclusion of the investigation. The reporting party and responding party will be given the opportunity to review and respond to the report prior to its finalization. The investigator will endeavor to complete the report within 30 days of receiving the initial complaint.

Upon receipt of the draft report, the reporting party and responding party will have 10 business days to review the report and respond to the investigator. Each party can submit additional questions for the other party and/or witnesses. During the 10 day review, either party may meet with the investigator to:

- Further discuss allegations;
- Identify additional disputed facts;
- Respond to the evidence in writing;
- Request that the investigator ask additional specific questions to the other party and other witnesses'
- Identify additional relevant witnesses; and/or
- Request that the investigator gather additional evidence.





After the Review of Evidence phase is concluded, the Final Investigation Report will be simultaneously distributed to all parties. The report will summarize all relevant evidence, including any additional evidence received during the 10 day review period. Any relevant documentary or other tangible evidence provided by the parties or witnesses, or otherwise gathered by the investigator will be attached to the Final Investigation Report as exhibits. The parties and their support advisors will then have 10 business days to review the report and provide a written response. These written responses are then attached to the Final Investigation Report and provided to the Hearing Officer and the parties.

### ***Hearing***

The Title IX Coordinator will schedule a hearing after the parties have had 10 business days to review and respond to the Final Investigation Report. The Title IX Coordinator will notify all parties of the hearing and will provide the panel with the appropriate materials including a copy of the Final Investigation Report. Hearings will be live either in person or via video conference. Either party has the right to request that they not be physically present in the same room with the other party for the hearing. Prior to the hearing, the Title IX Coordinator will meet with the parties separately to explain the hearing procedures and request any further information needed. The Title IX hearing is not a criminal proceeding; the responding party may face criminal charges in addition to those faced in the Title IX hearing.

During the hearing, both parties will be brought before a panel of trained administrators. This unbiased, impartial panel does not include the individual who conducted the investigation and compiled the investigative report. The reporting party has an opportunity to present evidence surrounding the allegations against the responding party. The responding party has an opportunity to respond to these allegations.

### ***Advisors***

During the investigative and hearing process, the reporting party and responding party may have an advisor present at any meeting. This advisor can be a friend, family member, lawyer, or other person of their choosing. Advisors must meet with the Title IX Coordinator prior to any participation in the proceedings to receive information about the expectations of their role.

Advisors cannot speak for their advisee. All communication about the resolution process must come directly from the advisee to the Title IX Coordinator, and the advisor is not permitted to delay, disrupt, or interfere with any part of the process. Parties who do not select their own advisor will be appointed one by the Title IX Coordinator.

### ***Cross Examination***

The advisor will have the responsibility of cross-examining the parties and witnesses during the formal hearing. The reporting and responding party are not permitted to cross-examine each other directly. All questions asked by the advisor must be approved by the Title IX Coordinator prior to the hearing. Attorneys serving as advisors must adhere to the expectations of this role. The Title IX Coordinator has the authority to determine what constitutes appropriate behavior on the part of the advisor and whether the person may continue to participate in proceedings. Unprofessional or abusive behavior or language will not be allowed.

The reporting party, responding party, and witnesses have the right to choose not to attend a hearing or respond to cross-examination.



The standard of proof used at AIAM in Title IX proceedings is the preponderance of evidence standard. This requires that the information supporting each finding be more convincing than the information offered in opposition to it. Under this standard, individuals are presumed not to have engaged in the conduct reported unless a preponderance of the evidence supports a finding that sexual misconduct/harassment occurred.

### ***Corrective Action***

Corrective action is designed to restore or preserve equitable access to AIAM programs and activities. Corrective actions also serve to promote safety or prevent further harm. Some behavior is so harmful that it may require serious actions such as removal from courses or activities, suspension, or expulsion/employment termination.

If the outcome of the hearing determines that the responding party committed the alleged offense, AIAM will take action to address the behavior, prevent it from happening again, and remedy any effects.

Once a corrective action has been decided, the Title IX Coordinator will issue a written statement of findings and sanctions including the rationale used to determine both within 5 business days to the reporting and responding party. The Title IX Coordinator will oversee effective implementation of the policy and completion of any corrective action.

### ***Appeal***

Either party can appeal the outcome or sanctions imposed as a result of the hearing. The appeal must be submitted within 5 days of receiving the written decision letter. The party must submit a written appeal to the Title IX Coordinator. The Title IX Coordinator will appoint an appeals officer. If no appeal is filed within 5 days of receiving the written decision letter, the determination is finalized.

A party can seek appeal on the findings only if a procedural irregularity affected the outcome or there is new relevant evidence that was not available at the time of the initial determination. An appeal can also be sought if there is a conflict of interest on the part of The Title IX Coordinator, investigator, or decision-maker that could affect the outcome and determination. An appeal can also be sought if the sanctions or not appropriate or are disproportionate to the violations.

Both parties will be notified in writing if either party submits an appeal and will be informed of the grounds of the appeal. A party can submit a written response to the other party's appeal within 5 days of this notification.

The burden of proof lies with the party requesting the appeal. The appeals officer will review the information submitted on appeal and will issue a written report including whether there were grounds for appeal. The appeals officer can choose to order a new hearing, refer the case back to the decision-maker, return the case to the hearing officer, alter the sanctions, or affirm the findings and sanctions.

A written decision on the appeal will be issued to the reporting party, responding party, and Title IX Coordinator within ten days from the date of the submission of all appeal documents by both parties. Appeal decisions of the appeals officer are final.



#### IV. SUPPORTIVE AND PROTECTIVE MEASURES

Supportive and protective measures are available to the parties involved in a complaint of sexual harassment, sexual misconduct, and sexual discrimination. These measures are offered to both the reporting party and the responding party, are non-disciplinary, non-punitive, offered where appropriate and available and on a case-by-case basis. Supportive measures are designed to restore or preserve access to AIAM’s educational program or activity without placing an unreasonable burden on either party. Supportive measures are also taken to protect the safety of all parties and to secure the school’s educational environment. Supportive measures also serve as a deterrent to further sexual harassment, sexual misconduct, and/or sexual discrimination.

Students may seek assistance with academic issues through the office of the Academic Dean at 614-825-6255. The Academic Dean will work collaboratively with the student and their program lead instructors or administrator for any needed academic changes.

Supportive and protective measures may include but are not limited to:

- Changes to course section or schedule, leaves of absence, extension of deadlines;
- Mutual restrictions of contact between parties;
- Referral to local agencies for counseling, treatment, or support;
- Increased monitoring or security measures on campus; and
- Other supportive and protective measures as deemed appropriate.

#### V. EDUCATION AND TRAINING

AIAM students receive Title IX Sexual Harassment training during orientation. AIAM employees receive Title IX Sexual Harassment training during new hire onboarding and through a meeting with the Title IX Coordinator. The training for AIAM’s Title IX Coordinator is available on the AIAM website <https://www.aiam.edu/campus-security-title-ix/>. The Title IX Coordinator and employees involved in investigating and resolving Title IX complaints are trained on the requirements for responding to allegations of sexual harassment and misconduct. Select administrators and faculty members receive 2.5 hours of training for VAWA Adjudicators through the National Association of Clery Compliance Officers and Professionals.