



University of St. Augustine for Health Sciences Title IX Policy

THE FOLLOWING POLICY APPLIES, UNLESS SUBJECT TO LEGAL ACTION THAT PROHIBITS ENFORCEMENT. IN SUCH CASES, THE COMPLAINT WILL BE REVIEWED IN ACCORDANCE WITH THE 2020 TITLE IX POLICY.

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Introduction

The United States Department of Education (DOE) mandates that institutions comply with specific requirements under Title IX of the Educational Amendments of 1972. Title IX is a federal civil rights law that prohibits discrimination on the basis of sex. The University of St. Augustine for Health Sciences (“USAHS” or “the University”) is committed to providing a safe educational and working environment, free from discrimination and retaliation, for its students, faculty, staff, and other members of the university community.

USAHS believes that all members of the University community should be free from all acts of sex discrimination. USAHS does not discriminate on the basis of sex and prohibits sex discrimination in the education programs and activities that it operates and is required by Title IX not to discriminate in such a manner. Further, the requirement not to discriminate extends to admission and employment.

USAHS does not discriminate on the basis of a person’s current, potential or past parental, family or marital status; pregnancy or related condition. Further, USAHS is committed to providing reasonable modifications for students and employees who are pregnant or have related medical conditions. Student Welfare and Accessibility provides reasonable modifications for students in alignment with the Accessibility and Accommodations policy. Human Resources provides reasonable modifications for employees in alignment with the USAHS Employee Handbook.

All members of the University community and all visitors, regardless of sex, are advised that any sex discrimination by any student, employee, or third party is prohibited. Any attempt to commit sex discrimination, or to assist or willfully encourage any such act, is a violation of the Title IX policy (“Policy”). Sex discrimination is contrary to the basic values of USAHS, which include promoting a sense of community, fostering learning, instilling integrity, and achieving excellence. USAHS is committed to providing for the prompt and equitable resolution of all complaints of sexual discrimination.

This Policy applies to all complaints of sex discrimination in USAHS’ education programs and activities. It prohibits conduct that: occurs on campus or other University property; occurs in connection with University educational programs or activities, which includes locations, events, or circumstances over which USAHS exercises substantial control; and conduct that is subject to USAHS’ disciplinary authority. Additionally, USAHS will address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside USAHS’ education program or activity or outside the United States. This Policy prohibits sex discrimination by all third parties (including but not limited to visitors, guests, volunteers and contractors) on USAHS campuses and during university programs and activities. It also applies to applicants for admission to, or employment with, USAHS. Inquiries about the application of Title IX to USAHS may be referred to USAHS’ Title IX Coordinator, to the Office for Civil Rights, or both. Further, if the alleged harassment/violation does not meet the requirements to be considered a Title IX offense, it may still be an incident requiring investigation under the Student Code of Conduct, Title VII, and/or other disciplinary/investigatory proceedings.

Violations of this policy may result in disciplinary action up to and including removal from the University for students and termination of employment for faculty and staff.



Definitions

1. Complainant: A complainant is any of the following:

- A student or employee of USAHS alleging conduct that could constitute sex discrimination or retaliation under this Policy.
- A person other than a student or employee alleging conduct that could constitute sex discrimination or retaliation under this Policy and who was participating or attempting to participate in a USAHS program or activity at the time of the alleged sex discrimination
- An authorized legal representative with the legal right to act on behalf of a complainant; or
- The USAHS' Title IX Coordinator.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have the right to make a complaint:

- Any student or employee of USAHS; or
- Any person other than a student or employee who was participating or attempting to participate in USAHS' education program or activity at the time of the alleged sex discrimination.

2. Complaint: An oral or written request to USAHS that objectively can be understood as a request for USAHS to investigate and make a determination about alleged discrimination or retaliation under this Policy or Title IX regulations.

3. Confidential Employee:

- An employee of USAHS whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this Policy, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- An employee of USAHS whom has been designated as confidential under this Policy for the purpose of providing services to persons related to sex discrimination or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination or retaliation in connection with providing those services; or
- An employee of USAHS who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.

4. Consent: Consent is defined at USAHS as a clear, unambiguous, and conscious agreement expressed in mutually understandable words or actions to voluntarily engage in specific sexual or intimate activity or conduct. Conduct will be considered "without consent" if no clear affirmative consent, verbal or otherwise, is given. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative Consent is not present (1) if obtained through the use of force, threat, coercion, or intimidation; or (2) when an individual is incapacitated, such as by consumption of drugs or alcohol or being unconscious or asleep; or (3) if given by someone who is not able to effectively communicate or to understand the nature of the conduct being engaged in. Silence or an absence of resistance on the part of the individual does not imply or constitute consent. Past consent does not imply future consent. Consent can be withdrawn at any time. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. The intoxication



or recklessness of a respondent is not an excuse for him or her not receiving affirmative consent from the complainant before engaging in a specific sexual activity.

- 5. Pregnancy or related conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- 6. Retaliation:** Retaliation means intimidating, threatening, coercing, or in any way discriminating against an individual by the University, a student, or an employee or other person authorized by USAHS to provide aid, benefit, or service under USAHS' education program or activity, for the purpose of interfering with any right or privilege secured by this Policy or Title IX regulations, or because the individual has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sex-based harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex-based harassment, for the purpose of interfering with any right or privilege secured by this Policy, constitutes retaliation. Retaliation includes peer retaliation, which is retaliation by one student against another student.
- 7. Respondent:** Respondent means an individual who is alleged to have violated USAHS' prohibition on sex discrimination or retaliation.
- 8. Sex:** Sex means sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity or expression.
- 9. Sex Discrimination:** Sex discrimination for the purpose of this Policy is defined as treating an individual differently because of (in whole or in part), that individual's sex stereotypes, sex characteristics, pregnancy or related conditions, their gender or sexual orientation or gender identity, in connection with the terms and conditions of employment or educational opportunities. Sex discrimination includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity or expression. Discrimination does not occur, however, when an individual is treated differently than another individual for legitimate reasons.
- 10. Sex-based Harassment:** A form of sex discrimination, sex-based harassment includes:
 - a. *Quid pro quo harassment:* An employee, agent or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
 - b. *Hostile environment harassment:* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;



- (ii) The type, frequency, and duration of the conduct;
 - (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - (iv) The location of the conduct and the context in which the conduct occurred; and
 - (v) Other sex-based harassment in the recipient's education program or activity; or
- c. *Specific offenses:*
- (i) Dating violence, defined as violence committed by a person:
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1. The length of the relationship.
 - 2. The type of the relationship.
 - 3. The frequency of interaction between the persons involved in the relationship;
 - (ii) Domestic violence, which includes felony or misdemeanor crimes 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 receiving grant monies, or 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; or
 - (iii) Stalking, defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - i. fear for his or her safety or the safety of others; or
 - ii. suffer substantial emotional distress
 - (iv) Sexual assault, defined as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses include any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent:
 - i. **Rape (except Statutory Rape)**- 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. This offense includes the rape of both males and females.
 - ii. **Sodomy**-Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - iii. **Sexual Assault with an Object**- To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim,



including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

- iv. **Statutory Rape**-Sexual intercourse with a person who is under the statutory age of consent.
- v. **Fondling**-The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- vi. **Incest**-Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

11. Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party's access to USAHS' education program or activity, including measures that are designed to protect the safety of the parties or the University's education environment; or
2. Provide support during the University's grievance procedures or during an informal resolution process.

Supportive measures may include counseling, extensions of deadlines, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Reporting Violations of This Policy

Any person may report sex discrimination or retaliation, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or retaliation), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator below. Students and employees may also find a Title IX complaint form on the USAHS website or on MyUSA. USAHS' University Catalog/Handbook and Employee Handbook prohibit individuals from knowingly providing false or misleading information to the University.

Filing a Criminal Complaint: Any person has the right to file both a criminal complaint and a Title IX complaint simultaneously.

Employee Reporting Requirements

In addition, USAHS provides for certain reporting requirements of its employees. Any employee (except for Confidential Employees) with knowledge of or who has information about conduct that reasonably may constitute sex discrimination as outlined in this Policy, must notify the Title IX Coordinator. Failure of an employee to report an incident of sex discrimination or retaliation of which they become aware is a violation of this Policy and may lead to disciplinary action for failure to comply/failure to report. This includes situations when a harasser is a mandated reporter – such individuals are required to report their own misconduct, and failure to do so is a violation of this Policy. Employees who are the victims of sex discrimination or harassment may, but are not required,



to report. USAHS takes all reports of sex discrimination seriously and, upon receiving notice of any alleged violation of this Policy, shall take immediate steps to address the report.

Employee reporting requirements related to pregnant students

When a student informs an employee of the student's pregnancy or related conditions, the employee must provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination, while ensuring the student's equal access to the education program or activity. Once the Title IX Coordinator is notified, USAHS will:

- inform the student of the University's obligations to students who are pregnant or experiencing pregnancy-related conditions, and restrictions on the University's disclosure of personal information, as well as provide the University's notice of nondiscrimination;
- provide the student with the option of individualized, reasonable modifications, as needed, to prevent discrimination and ensure equal access to USAHS' education program or activity;
- allow the student a voluntary leave of absence for, at minimum, the medically necessary time period and reinstatement upon return; and
- ensure the student's access to a clean, private space for lactation.

Contact Information for Reports

Title IX Coordinator for all USAHS campuses:

Candice Vasquez
Executive Director, Student Affairs
5401 La Crosse Ave.
Austin, Texas 78739
Phone: 737-202-3335
E-mail: titleix@usa.edu or cvasquez@usa.edu

Any questions or complaints regarding Title IX may be referred to USAHS' Title IX Coordinator and/or to the Department of Education's Office of Civil Rights – Regional Division Offices listed below. Additionally, inquiries about the application of Title IX may be referred to the U.S. Department of Education's [Office for Civil Rights](#), Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Avenue, SW, Washington, DC 20202-1100, 800-421-3481.

To file a criminal complaint please contact the local police department for your campus listed below.

USAHS Florida Campuses

U.S. Department of Education - Regional Office IV

61 Forsyth St. SW, Suite 19T40
Atlanta, GA 30303
Phone: (404) 974-9406 Email: OCR.Atlanta@ed.gov

Local Police, St. Augustine Campus

St. Augustine Police Department
151 King St.
St Augustine, FL 32084
Phone: (904) 825-1074

Local Police, Miami Campus

Coral Gables Police Department
2801 Salzedo St #1
Coral Gables, FL 33134
Phone: (305) 442-1600



UNIVERSITY of
ST. AUGUSTINE for
HEALTH SCIENCES

USAHS California Campus

U.S. Department of Education - Regional Office IX

50 United Nations Plaza
Mail Box 1200, Room 1545
San Francisco, CA 94102

Phone: (415) 486-5555 Email: ocr.sanfrancisco@ed.gov

Local Police:

San Diego County Sheriff's San Marcos Station
182 Santar Place
San Marcos, CA 92069
Phone: (760) 510-5200

USAHS Texas Campuses

U.S. Department of Education - Regional Office VI

1201 Elm Street, Suite 1000
Dallas, TX 75270

Phone: (214) 661-9600 Email: OCR.Dallas@ed.gov

Local Police, Austin:

Austin Police Department
404 Ralph Ablanado Dr.
Austin, TX 78748
Phone: (512) 974-5037

Local Police, Irving:

Irving Police Department
305 N. O'Connor Road
Irving, TX 75061
Phone: (972) 273-1010

Upon receipt of a report of an alleged Policy violation, the Title IX Coordinator will contact the reporter/subject of the alleged conduct to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed. The individual will be notified of his or her right to confidentiality in regard to public recordkeeping, including Clery Act reporting and disclosures, any accommodations provided, protective measures provided and/or supportive measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations, protective, or supportive measures.

Confidentiality

The University must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a complaint of sex-based harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by 20 U.S.C. 1232g or 34 CFR part 99 ("FERPA"), or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Given the sensitive nature of reports of sexual violence, the University shall ensure that the information is maintained in a secure manner.



Student Amnesty and Bystander Intervention

USAHS encourages the reporting of possible violations of this Policy. Sometimes, students may be reluctant to come forward and report a possible Policy violation, or serve as a witness, because they are concerned that they may be charged with violating other campus policies, such as USAHS's alcohol or drug policy. In order to encourage reporting, students who report a possible Policy violation, or who serve as witnesses, will not face disciplinary sanctions for violations of the student conduct code at or near the time of the incident. In addition, students will not face disciplinary sanctions for attempts to assist others in need to address the immediate effects of a violation. Amnesty will be granted as long as the individual's actions do not place the health or safety of any other person at risk, or involve plagiarism, cheating, or academic dishonesty.

Title IX Coordinator responsibilities

The Title IX Coordinator will take the following actions to promptly and effectively end any sex discrimination or retaliation in the University's education program or activity, prevent its recurrence, and remedy its effects:

- Treat the complainant and respondent equitably;
- Offer and coordinate supportive measures, as appropriate, for the complainant. Additionally, if USAHS has initiated grievance procedures, or offered an informal resolution process to the respondent, offer and coordinate supportive measures, as appropriate, for the respondent;
- Notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures and the informal resolution process, if available and appropriate, and if a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process, if available and appropriate
- In response to a complaint, initiate the grievance procedures, and, if applicable, the informal resolution process, if available and appropriate and requested by all parties;
- In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination that complies with USAHS grievance procedures. If initiating a complaint, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures;
- Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within USAHS' education program or activity; and
- Monitor USAHS' education program or activity for barriers to reporting information about conduct that reasonably may constitute a violation of this Policy and take steps reasonably calculated to address such barriers.

The Title IX Coordinator is not required to comply with the above responsibilities upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct alleged could not constitute sex discrimination under Title IX.

Determination of Supportive or Protective Measures

Upon notification of an incident of sex discrimination or retaliation, USAHS shall take steps to ensure equal access to its education programs and activities for both the complainant and respondent, as necessary, including providing supportive or protective measures before the final outcome of an



investigation. The University may offer supportive measures to the complainant or respondent before or after a complaint is received or when a complaint, or any of its allegations, are withdrawn. These measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Such measures are designed to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, or to provide support during grievance procedures or during the informal resolution process.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, , leaves of absence, increased security and monitoring of certain areas of the campus, training and education programs related to sex-based harassment, and other similar measures.

The University must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

USAHS will provide the parties with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of USAHS' decision to provide, deny, modify, or terminate supportive measures applicable to them.

Pursuant to the Clery Act, if a complainant alleging an act of rape, fondling, incest, statutory rape, domestic violence, dating violence, or stalking requests protective measures and they are reasonably available, regardless of whether the complainant chooses to report the crime to local law enforcement, USAHS is obligated to comply with a request for a living and/or academic situation change following an alleged sex offense. Factors that might be considered include the specific need expressed by the complainant; the age of the students involved; the severity of pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same eating areas, class, transportation or job location; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders). These measures are designed to protect the Complainant and provide the Complainant with options to avoid contact with the alleged perpetrator. These measures may include a change in academic activities, living, transportation, dining, and working situation as appropriate.

Interim Measures

After the initial report of alleged sex discrimination, possible immediate interim suspension/leave can be invoked on the accused ("Respondent") if, after undertaking an individualized safety and risk analysis, USAHS determines there is an imminent and serious threat to the health or safety of the campus community arising from the allegations of sex discrimination that justifies removal and provides. USAHS will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Informal Resolution

If the complainant and respondent agree, certain cases may be resolved informally; however, the parties are not required to participate in an informal resolution process. Informal resolution is not permitted if such a process would conflict with Federal, State, or local law. USAHS will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment



or continuing enrollment, or employment or continuing employment, or exercise of any other right. Additionally, the Title IX Coordinator will take other appropriate prompt and effective steps to ensure that sex discrimination or retaliation does not continue or recur within USAHS' education programs or activities, regardless of an informal resolution process. USAHS has discretion to determine if it is appropriate to offer informal resolution after receiving information about conduct that reasonably may constitute sex discrimination or retaliation or when a complaint of sex discrimination or retaliation is made and may decline to offer informal resolution despite one or more of the parties' wishes.

If the parties and the University agree to an informal resolution process, the University must provide to the parties a written notice which:

1. Explains the allegations;
2. Provides the requirements of the informal resolution process;
3. Discloses that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume USAHS' grievance procedures;
4. Discloses that if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
5. Discloses the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. Provides what information USAHS will maintain and whether and how USAHS could disclose such information for use in Title IX grievance procedures and if such procedures are initiated or resumed.

If both parties are satisfied with a proposed informal resolution, and the Title IX Coordinator considers the resolution to satisfy USAHS' obligations to provide a safe and non-discriminatory environment, the resolution will be implemented and the informal resolution process will be concluded. If informal resolution does not resolve the matter, the grievance process will resume. At any point in the process, either the complainant or the respondent may elect to end the informal process in favor of proceeding with the formal grievance process. Further, no statements made during the course of informal resolution can be used or disclosed during the formal grievance process, should it proceed.

Grievance Procedures

USAHS has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by this Policy.

USAHS will treat complainants and respondents equitably. USAHS requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator. USAHS presumes that the respondent is not responsible for the alleged policy violation until a determination is made at the conclusion of its grievance procedures.



Confidentiality

USAHS will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses. USAHS will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

Additional Allegations

If, in the course of an investigation, USAHS decides to investigate additional allegations of sex discrimination, including sex-based harassment by the respondent toward the complainant that are not included in the notice or that are included in a complaint that is consolidated with other Title IX complaints, USAHS will provide notice of the additional allegations to the parties whose identities are known.

Consolidation of Complaints

USAHS may consolidate complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, when the allegations arise out of the same facts or circumstances or indicate a pattern, collusion, or other similar situations. If one of the complaints to be consolidated is a complaint of sex-based harassment involving a student complainant or student respondent, the grievance procedures for investigating and resolving the consolidated complaint must comply with the University's grievance procedures for claims of sex-based harassment as outlined below in the Expanded Process. In addition to the requirements of this section. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

Time Frames for Process

USAHS has established timeframes for the major stages of the grievance procedures. While each situation is different and there can be no way to determine how long an investigation will take, the Title IX Coordinator shall use his/her best efforts to reach resolution within a reasonable timeframe not to exceed 90 calendar days, exclusive of any appeals, from the date the complaint is reported until the notice of the outcome is provided, unless good cause is shown for an extension. Each major stage below outlines an estimated time frame, including evaluation, investigation, determination and appeal.

USAHS has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. The complainant and respondent will be provided with written notice if there is good cause to extend resolution time frame and the reasons for the extension. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.



PLEASE NOTE THAT WHEN A STUDENT IS NOT A PARTY TO THE COMPLAINT, THE PARTIES WILL NOT BE AFFORDED THE FOLLOWING PROCESSES:

- the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
- access to audio or audiovisual recordings or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions; and
- opportunity to appeal as outlined in [Appeals](#).

Evaluation of Complaint

Upon receipt of a complaint, the Title IX Coordinator will conduct an initial evaluation of the complaint to assess whether the reported conduct may reasonably constitute a violation of this Policy. If the conduct does not reasonably constitute a violation of this Policy, the Title IX Coordinator will dismiss the complaint and, if appropriate, will refer the complaint to another process, such as the Code of Conduct.

The Title IX Coordinator will further determine if the complaint should be investigated using the standard policy (referred to as “Standard Process”) or if it should include additional measures (referred to as “Expanded Process”) when one or more parties is a student and the complaint involves an act determined to be sex-based harassment, as defined in this policy. USAHS will review all available information, including the complaint form, if applicable, documents, and other materials to conduct its initial evaluation and make this determination within 21 calendar days from the date the complaint is reported.

Notice of Allegations

Standard Process. Upon initiation of the University’s grievance procedures, written notice will be provided to the parties of the following:

- USAHS’ Title IX grievance procedures, including if the complaint will be investigated using Process A or Process B, and any informal resolution process;
- Sufficient details available at the time to allow the parties to respond to the allegations and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, the conduct alleged to constitute sex discrimination under Title IX, and the date and location of the alleged incident, if known;
- That retaliation is prohibited;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and
- Notice of the application of USAHS policies related to knowingly making false statements or knowingly submitting false information during the grievance procedure.

Expanded Process. If a complaint is deemed to potentially be a form of sex-based harassment, in addition to the steps in the Standard Process above, additional notice will be provided including:

- The parties are entitled to an advisor of their choice who may be, but is not required to be, an attorney.
The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and an opportunity to respond



If, in the course of an investigation, USAHS decides to investigate additional allegations of a violation of this Policy by the respondent toward the complainant that are not included in the original notice, or that are included in a complaint that is consolidated under this Policy, USAHS will provide notice of the additional allegations to the parties whose identities are known.

Investigation

Standard Process. USAHS will provide for adequate, reliable, and impartial investigation of complaints. The burden is on USAHS – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether a violation of this Policy occurred.

USAHS will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. USAHS will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. USAHS will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence.
- provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Expanded Process. If USAHS determines to process the complaint under the expanded process, USAHS will also:

- provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate;
- provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney;
- not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding and may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties;
- provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding;
- provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions; and
- provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by USAHS to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:



- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless USAHS obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The investigation will normally include interviewing the complainant(s), respondent(s), witnesses, and other relevant parties and will include a review of any relevant documents and other information. The investigator will also assess the credibility of witnesses to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination, including sex-based harassment. The investigation may include reviewing law enforcement investigation documents (if applicable) and reviewing student and personnel files. Both the complainant and the respondent may provide the investigator(s) with the names of witnesses, documents, and other information. The investigator(s) will exercise his/her discretion in deciding which individuals identified as witnesses during the investigation should be interviewed and which documents or other information should be reviewed. The complainant and the respondent are afforded equal procedural rights during the investigation. The complainant and respondent will be able to present evidence and witnesses to the investigator for consideration of inclusion in the investigation.

If USAHS determines to process the complaint under the Expanded Process, prior to the completion of the investigation, the University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least **10 calendar days** to submit a written response, which the investigator will consider prior to completion of the investigation. At any time prior to or during an investigation, the respondent may accept responsibility for some or all of the alleged violations. The matter will then proceed to the sanctioning phase and any appeal of the sanctioning decision.

Determination Of Responsibility

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, USAHS will make a determination of responsible or not responsible, or dismiss the complaint. The investigation and determination will be made within 60 calendar days of the date the investigation is initiated. The determination will:

- Use the preponderance of the evidence standard of proof to determine whether a violation of this Policy occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that a violation occurred.



- Notify the parties in writing of the determination whether a violation of this Policy occurred including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal. USAHS will notify the parties simultaneously in writing of the determination whether a violation occurred including:
 - a description of the allegations;
 - information about the policies and procedures that USAHS used to evaluate the allegations;
 - the decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex discrimination occurred;
 - when the decisionmaker finds that sex discrimination occurred;
 - disciplinary sanctions and/or remedies, if relevant; and
 - USAHS' procedures and permissible basis for the complainant and respondent to appeal
- Not impose discipline on a respondent for a violation of this Policy unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in conduct in violation of this Policy.
- If there is a determination that a violation of this Policy occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people USAHS identifies as having had equal access to USAHS' education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within USAHS' education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Sanctions for a violation of this policy may include, but are not limited to, educational requirements, no-contact orders, suspension, dismissal or termination from the University.

In addition to discipline against the respondent, resolutions may include remedies for the complainant, which may include steps such as reassignment of a course section or residency, counseling services, medical services, academic support services, or changes to the school's overall services or policies, including altering withdrawal penalties within courses. Any remedies offered would be separate from, and in addition to, any protective or supportive measure that may have been provided prior to the conclusion of any investigation. Resolutions may also include remedies for the broader University population, such as training or changes to policies or services.

Complaint Dismissal

USAHS may dismiss a complaint if:

- USAHS is unable to identify the respondent after taking reasonable steps to do so;
- the respondent is not participating in USAHS' education program or activity and is not employed by USAHS;



- USAHS obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and USAHS determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- USAHS determines the conduct alleged in the complaint, even if proven, would not constitute a violation of this Policy. Before dismissing the complaint, USAHS will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, USAHS will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then USAHS will notify the parties simultaneously in writing. USAHS will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then USAHS will also notify the respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, USAHS will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, USAHS will, at a minimum:

- offer supportive measures to the complainant as appropriate;
- offer supportive measures to the respondent as appropriate, if the respondent has been notified of the allegations; and
- take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination or retaliation does not continue or recur within USAHS' education program or activity.

Any dismissal, whether for a claim of sex discrimination or sex-based harassment does not preclude action under another provision of University policy, including, but not limited to, the USAHS Code of Conduct, Behavioral Intervention Policy, Title VII, and/or other disciplinary/investigatory proceedings.

Appeals

USAHS offers the following process for appeals from a determination whether sex discrimination occurred on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
3. The Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome of the matter.

The University will:

1. Notify the other party in writing when an appeal is filed, including notice of the allegations, if notice was not previously provided to the respondent;
2. Implement appeal procedures equally for both parties;
3. Ensure that the decisionmaker(s) for the appeal did not take part in the investigation of the allegations or dismissal of the complaint;
4. Ensure that the decisionmaker(s) for the appeal has been trained consistent with the Title IX regulations;
5. Communicate to the parties in writing that USAHS will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and



6. Notify the parties in writing of the result of the appeal and rationale for the result.

The University may offer an appeal equally to both parties on additional bases.

Any appeal must be filed in writing within five (5) days from the receipt of the notice of outcome. The University will determine the appropriate individual in University leadership to hear any appeal (“Appeal Officer”), depending on the circumstances of the case, including the identity of the respondent. There is a presumption that the decision, and any sanction or discipline, was made properly, and the Appeal Officer may not substitute his or her judgment for that of the decision-maker.

The Appeal Officer shall give both parties timely notice of the receipt of an appeal. Both parties shall be provided the opportunity to make a written submission to the Appeal Officer. The Appeal Officer shall be limited to the record, including any information that was part of the investigation or the resolution hearing. The Appeal Officer shall not conduct another hearing but may conduct interviews with the complainant, respondent, or witnesses in his or her discretion. The party appealing shall have the burden of proof in any appeal. The Appeal Officer shall use the preponderance of evidence standard in the determination of any appeal.

The Appeal Officer shall give written notice to both parties of the outcome of the appeal, within 30 calendar days from the date the appeal was initiated, and the reasons for his or her decision. The decision of the Appeal Officer is final.

Sources of Counseling, Advocacy, and Support

Victims of sex discrimination can receive assistance immediately by calling the local police department (911, if emergency) and local counseling resources listed by campus below. In partnership with ComPsych (a Student Assistance Program provider), USAHS offers free counseling services and online resources whenever and wherever needed. Students (and members of the student’s household) may call 844-819-4777 (toll free) and be connected to free and confidential highly trained master’s or doctoral level clinicians via phone. Students and household members also have unlimited access to <https://www.guidanceresources.com/groWeb/login/login.xhtml>. Students will need to use “USAHS” as the Web ID to create a free account. USAHS employees may contact ComPsych (an Employee Assistance Program “EAP”) by contacting 1-844-819-4777 or online at www.guidanceresources.com (Organization Web ID: USAEAP). EAP is a free, confidential resource at USAHS, which means that all conversations will remain confidential and will not initiate any type of investigation into the incident. USAHS students and employees can contact the following off-campus resources for counseling services: The National Domestic Violence Hotline, 1-800-799-SAFE (7233), or 1-800-787-3224 (TTY). For students at the **USAHS Florida Campuses**: The Betty Griffin Center 24-hour crisis hotlines, Telephone: (904) 824-1555. For students at the **USAHS California Campus**: North County Family Violence Center Prevention Services, 330 Rancheros Dr. San Marcos, CA, Telephone: (760) 798-2835. For students at the **USAHS Austin, Texas Campus**: Victim Services Resources: 24-hour crisis hotlines, Telephone: (512) 974-5037. For students at the **USAHS Dallas, Texas Campus**: [Dallas Area Rape Crisis Center](#) (DARC-C), Telephone: (972) 641-7273.