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TITLE IX SEXUAL HARASSMENT POLICIES AND PROCEDURES

American College of Healthcare and Technology is committed to providing a safe learning and working environment. Policies and procedures have been adopted in compliance with federal laws, to raise awareness, prevent and respond to incidents of sexual harassment, sexual assault, domestic violence, dating violence, and stalking involving members of the school and campus community. Guidelines apply to all students, faculty, staff, contractors and visitors. Students are educated about sexual harassment during new student orientation. Employees are trained on sexual harassment topics yearly. Resources and referrals are available to students, staff and faculty in the Student Services department. The school will promptly initiate its sexual harassment response system/grievance process when a complaint is received or when the school has actual knowledge of a possible incident of sexual harassment. Supportive measures are available to the person alleged to be the victim; should a formal complaint be filed, the grievance process conducted by the Title IX Coordinator will be prompt, equitable, consistent, and transparent; and, an appealable decision will be made on the basis of preponderance of evidence gathered to impose the corresponding disciplinary sanctions, as warranted. The Title IX Coordinator may or may not be involved in the investigative process, but not in the decision making process. All personnel involved in processes related to alleged TIX misconduct are duly trained.

Any student or employee reporting incidents of sexual harassment, including VAWA crimes, occurring on campus or off campus at any school sponsored activity will be provided with supportive measures, including but not limited to:

- Being assisted by campus authorities if wishing to report a crime to law enforcement
- Changing academic or work situations to avoid a hostile environment
- Obtaining or enforcing a no contact directive or restraining order
- Having a clear description of the school's disciplinary process to include the range of possible sanctions
- Receiving referrals with information about existing counseling, health, victim advocacy, legal assistance, and other services available in the community
- Being protected against any form of retaliation

Definitions

- Sexual Harassment for Title IX purposes is defined as any instance of quid pro quo harassment by a school employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault, dating violence, domestic violence, or stalking.

- Dating Violence is defined as 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 determined based on the length of the relationship, type of relationship, and frequency of interaction between persons involved in the relationship. Dating violence includes, but not limited to, sexual or physical abuse or the threat of such abuse.
- Domestic Violence is defined as a felony or misdemeanor crime of violence by a current or former spouse or intimate party of the victim; with whom the victim shares a child in common; by a current or former cohabitant with the victim; 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; 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 in which the crime of violence occurred.
- Sexual Assault is defined as any offence that meets the definition of rape, fondling, incest, or statutory rape.
- Stalking is defined as 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 suffer substantial emotional distress.
- Consent is defined as intelligent, knowing, and voluntary agreement and does not include coerced submission. "Consent" shall not be deemed or construed to mean failure by the alleged victim to offer physical resistance to the offender. Giving in is not the same as giving consent.
- Complainant is defined as the person alleged to be the victim of a conduct that could constitute sexual harassment. To be able to file a formal complaint, the Complainant must be participating or attempting to participate in any event on campus or any activity off campus that is related to the program in which the Complainant is enrolled at the time of filing such complaint.
- Respondent is defined as an individual who has been reported to be the perpetrator of a conduct that could constitute sexual harassment.
- Complaint is a document signed by the Complainant or Title IX Coordinator requesting that the school investigate an allegation of sexual harassment.

Parties in the Response System

- Title IX Coordinator is the school employee designated to coordinate the school efforts to promote a safe learning and working environment, receive complaints from complainant or any interested party, initiate the response system, and implement supportive measures. Contact information for the Title IX Coordinator is below:

Cesar Morales
Director of Compliance
11801 Pierce St # 100, Riverside, CA 92505
Telephone # 951-848-7543
cmorales@ach.edu

- Investigator, who may or may not be the Title IX Coordinator, is the person designated to conduct a fair, objective, and unbiased investigation of the facts and circumstances surrounding the alleged sexual harassment incident.
- Decision Maker(s) evaluate/s evidence gathered during the investigative process and make and write a decision.

- Advisors are individuals that question and cross examine opposing parties and witnesses during the required live hearings. Advisors may or may not be attorneys.

Response System – Grievance Process

- **Principles:** The school grievance process to address allegations of sexual misconduct will be based on the principles below:
 - The school response system or grievance process will be prompt, aiming at reaching a determination no later than 60 days after the complaint is filed, unless there is good cause for short term delays and/or extensions.
 - The treatment of complainants and respondents will be equitable.
 - All forms of retaliation are prohibited.
 - Confidentiality on the identity of the parties involved will be kept, except as strictly necessary to conduct the investigation, or as required by law.
 - Remedies, when the respondent is found responsible, must maintain the complainant’s equal access to education, and may be the same individualized supportive measures offered initially.
 - Relevant evidence will be assessed objectively, regardless of the parties’ status.
 - All persons involved in the Title IX process will be free from conflicts of interest or bias, and trained in the concept of sexual harassment, the scope of the school’s educational program or activity, how to conduct investigation processes, and how to serve impartially.
 - The respondent will be presumed not responsible until a determination is made at the end of the grievance process.
 - Privileged information may not be pursued or used, unless the person holding the privilege has waived this right.
 - Sexual harassment complaints are not affected by statute of limitations.
- **Complaint:** As soon as a complaint is received by the Title IX Coordinator, the school’s response obligations trigger to ensure supportive measures are offered to the Complainant. The TIX Coordinator will contact the Complainant within 24 hours to confidentially discuss the availability of customized and reasonable supportive measures available, the Complainant’s wishes relative to supportive measures and the complaint process. Sexual discrimination, including incidents of sexual harassment, may be reported by any interested party at any time using the published Title IX Coordinator’s contact information. When a formal complaint is received, the Title IX Coordinator will send written notice to the Complainant and the Respondent of all allegations received for them to have the opportunity to present inculpatory or exculpatory facts and/or witnesses. Parties will have unrestricted ability to discuss allegations or gather evidence. Complaints may be withdrawn by the Complainant in writing at any time, and will be withdrawn by the Title IX Coordinator if the Respondent or employee is no longer enrolled in/employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination. Complaints arising from the same facts may be consolidated.
- **Supportive/Protective Measures:** Upon receipt of a complaint, the school will provide written notification to the complainant about accommodations available to them, including academic, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations). At the

complainant's request, and to the extent of his/her cooperation and consent, the school will work cooperatively to assist in obtaining accommodations. If reasonably available, a complainant may be offered changes to academic, working or transportation situations regardless of whether the complainant chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, distance learning, withdraw and take a class at another time if there is no option for moving to a different section, etc. Possible changes to work situations may include changing working hours, changing assigned work location, etc. Possible changes in transportation may include assisting the student or employee with a safety escort, etc.

- **Investigation:** The Title IX Coordinator will thoroughly investigate all reports of alleged sexual harassment in a prompt, transparent, objective, and equitable manner. Should the Complainant wish to not report an incident, the Complainant's wish will be respected unless the Title IX Coordinator deems it necessary to avoid putting more students or employees at risk in light of the circumstances. Should the allegations in a formal complaint not meet the definition of sexual harassment contained in these policies, the allegation will be dismissed for purposes of investigation and discipline, but the Code of Conduct, including sanctions, may still apply at the sole discretion of the Title IX Coordinator. Investigation by the Title IX Coordinator may include a variety of means, including but not limited to self-discovery and interviews with parties and witnesses. Parties have to right to select an advisor of their choice, who may or may not be an attorney. All evidence presented by one party must be promptly sent to the other party, allowing no less than 10 days but no more than 20 days for the party to respond in writing. Before the live hearing, the Title IX Coordinator or Investigator will prepare a report summarizing relevant evidence, and simultaneously send to the parties for review.
- **Live Hearing:** A live hearing with cross examination will be required with the participation of complainant, respondent, and advisors (if any), under the oversight of a Chairperson who will also be in charge of making a decision on the case. Involved parties will receive a written notice stating the hearing date via email. The date shall be at least ten calendar days after the date of the written notice to the involved parties containing the investigative report. Hearings will be conducted according to the following guidelines:
 - Advisors, if any, will ask the other party and witnesses, if any, all relevant questions and follow up questions, including those that challenge credibility.
 - Cross examination at the live hearing must be conducted directly, orally, and in real time by the advisor. Complainant and Respondent may not personally ask questions.
 - If requested by a party, the live hearing, including cross-examination, may take place with the parties located in separate rooms in a Zoom meeting or equivalent.
 - The Chairperson may exclude questions asked by advisors if he/she considers them to be irrelevant to the case.
 - The Complainant's prior sexual behavior will be deemed irrelevant, unless offered to prove that someone other than the respondent is responsible for the alleged misconduct, or to prove consent.
 - Should a party have no advisor, the school will provide one free of cost for cross examination purposes.
 - Failure to submit to cross examination will not necessarily be interpreted as acceptance of allegations by the other party, unless the Chairperson determines that circumstances warrant such acceptance.

- Live hearings may be conducted physically or virtually utilizing Zoom or similar technology at the school's discretion.
- Live hearings will be recorded.
- **Standard of Evidence:** The Preponderance of the Evidence standard is the standard used by the Decision Maker(s) to determine the outcome of a Complaint. The Preponderance of the Evidence standard is met if it is more likely than not that the Respondent/accused party violated this Policy. This standard will be used in all cases of alleged sexual misconduct, regardless of the respondent being a students, staff member, faculty member, or visitor on campus.
- **Written Determination:** The Decision Maker(s) will make a determination in writing relative to the responsibility of the respondent. The written determination will contain findings of fact, conclusion, rationale for the result as to each allegation, disciplinary sanctions imposed, and remedies for the complainant, if any. The written determination will be made within seven business days of the live hearing, and must be sent simultaneously to the parties, along with information on how to file an appeal.
- **Remedies/Disciplinary Sanctions:** Should a respondent be found responsible for the alleged misconduct, the Decision Maker(s) may impose any of the disciplinary sanctions below, or any other sanction he/she may deem appropriate:
 - Reprimand/warning
 - Conduct Probation
 - Issuing a "no contact" directive to the Respondent or requiring that such an order remain in place
 - Loss of Privileges
 - Restitution
 - Educational Sanctions
 - Suspension (limited time or indefinite)
 - Expulsion`
- **Appeals:** Appeals must be submitted in writing no later than 48 hours after receipt of the written determination, and may only be filed on the bases of procedural irregularity, new evidence, or bias of any personnel involved in the TIX investigation, provided that such bases affected the outcome of the matter. Appeals will be reviewed and decided by (a) Decision Maker(s) different from the person/panel that rendered the decision being appealed. Appeal decisions will be made within seven business days of received, and are final.