

Purpose

The purpose of this procedure is to present Allen School of Health Science position on sexual harassment and discrimination, as required by Title IX of the Education Amendments of 1972. Allen School is committed to maintaining an educational and work environment free from discrimination and harassment based on age, race, color, sex, gender, sexual orientation, religion, or creed, national or ethnic origin, or disability. In accordance with Title IX of the Education Amendments of 1972 and 34 C.F.R. Part 106, Allen School of Health Sciences does not discriminate on the basis of sex, including in admissions and employment, nor will it permit or tolerate sex discrimination or sexual harassment against a student, employee. All students and employees are expected to comply with this Policy. Allen School has the legal responsibility under Title VI of the Civil Rights Act of 1964 and its implementing regulations (Title VI) to provide all students a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics. Allen School of Health Sciences prohibits discrimination against those who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, discrimination based on sex encompasses discrimination based on sexual orientation and gender identity.

Any inquiries regarding Title IX or Allen School of Health Sciences Title IX Policy and Procedures can be directed to the Title IX Coordinator as provided below, the Office for Civil Rights, at the U.S. Department of Education, at www.ed.gov, or both.

This policy does not address any applicable state laws on sexual harassment. Allen School retains the right to revise this policy in the event of any changes applicable to the law.

Policy

Allen School of Health Science will not permit any form of sexual harassment including gender identification in the workplace/classroom environment or tolerate any such conduct that has the purpose or effect of interfering with an individual’s work/school performance or creating an intimidating, hostile, or offensive work/school environment. Allen School of Health Science recognizes that sexual harassment is a violation of Title IX law.

In efforts to prevent such violation, a Title IX Coordinator has been assigned to play an essential role in helping ensure every person affected by the operation of our institution-including employees, students, their parents or guardians, applicants for admission and employment are aware of the legal rights Title IX affords and that our institution and its’ officials, comply with the legal obligations under Title IX.

Procedure

The Title IX Coordinator’s primary responsibility is to coordinate the recipient’s compliance with Title IX, including the institution’s grievance procedures for resolving Title IX complaints. All institutional officials will inform the Title IX Coordinator of all reports and complaints raising Title IX issues, even if the initial complaint was filed with another individual or office.

1. This responsibility includes coordinating complaints involving sexual harassment, monitoring outcomes, identifying, and addressing any patterns, and assessing effects on the campus climate.
2. The Title IX Coordinator is knowledgeable in all policies and procedures on sex discrimination outlined in Title IX law and official resources and will draft and revise such written policies, with final approval to be given by the institution President.
3. The Title IX Coordinator will coordinate the collection and analysis from an annual climate survey if, as Office of Civil Rights (OCR) recommends, the school conducts such survey.

Title IX Law

Overview of Title IX of the Education Amendments of 1972

On June 23, 1972, the President signed Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., into law. Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. The Department of Education has issued regulations on the requirements of Title IX, 34 C.F.R. § 106.1 et seq. The Title IX common rule published on August 30, 2000 covers education program providers/recipients that are funded by other federal agencies.

Sec. 1681. Sex

(a) Prohibition against discrimination; exceptions

No person in the United States shall, on the basis of sex, and gender identification be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Enforced/interpreted by U.S. Department of Education, Office for Civil Rights.

Protects students and employees in connection with all academic, educational, extracurricular, athletic, and other programs occurring on-campus, or during off-campus, school-related activities.

Schools must process all complaints of sexual violence, regardless of where the conduct occurred, to determine: Whether the conduct occurred in the context of an education program; or

the conduct had continuing effects on campus or in an off-campus education program.

Title IX Accommodations for Students Affected by pregnancy, childbirth, or related conditions:

Faculty and staff will not require students to limit their studies as the result of pregnancy or pregnancy-related conditions unless a withdrawal is requested by the student.

Formal Grievance Process

The Title IX coordinator is designated to formally investigate student grievances, address inquiries and coordinate Allen School of Health Science compliance efforts regarding student complaints and grievances.

Notice of a formal complaint can be made in person, in writing, or by email. The grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The grievance should be signed by the initiator or, in the case of an email submission, sent as an email attachment, in a letter format and should contain the name and contact information for the grievant (individual making the complaint). Any supporting documents and evidence should be referred to within the body of the formal grievance and included as attachment(s).

Upon the receipt of this information, the Title IX Coordinator, along with the Campus Director, and the Campus President, will open a formal case file. The Campus President will direct the investigation, determine the interim action for accommodations for the alleged victim, and/or take other necessary action.

Where the accused individual is found not responsible for the alleged violation(s), the investigation will be closed. Where the accused individual accepts the findings that s/he violated Allen School of Health Science policy, the Campus President will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator. Allen School of Health Science will act immediately to end the discrimination, prevent recurrence of incidents, and provide a remedy for the institution. The Campus President has final decision-making authority regarding formal complaints.

Reporting Incidents

If you are an Allen School of Health Science' student, faculty or staff member and experience sexual harassment, misconduct, or discrimination, the school has a system of care and support to provide you with assistance. It is important to report any such incidents. Allen School of Health Science offers confidential services to provide advice, guidance, and support to you by contacting or emailing our Title IX Coordinator.

IX Coordinator Contact Information

Ruth Martinez, Title IX Coordinator

Student Financial Affairs

188 Montague Street

Brooklyn, NY 11201

Office Phone (718) 243-1700 EXT 3330

Email: titleIXcoordinator@allenschool.edu

Supportive Measures

Allen School of Health Sciences will offer supportive measures to the complainant. The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures may include academic support services, including the ability to reschedule exams and assignments, withdraw from courses without penalty, assistance in connecting to community-based counseling services, and/or mutual restrictions on communication or contact between parties. A complainant may, but is not required to, file a formal complaint that will initiate a complaint resolution process, including an investigation. After the investigation, the Title IX

Coordinator will make this determination. Unless the formal complaint resolution process results in a determination that a respondent was responsible, Allen School of Health Sciences will not execute disciplinary actions under this policy.

Additional Resource Websites:

<https://www.rainn.org/>

<https://www.safehorizon.org/>

<https://avp.org/>

<https://camba.org/programs/victims-assistance-program/>

Complaint

Allen School of Health Sciences is committed to a rapid and fair resolution process for resolving formal complaints of sexual harassment. During the resolution process, Allen School of Health Sciences will require relevant evidence, avoid credibility determinations based on a person’s status as a complainant, respondent, or witness; provide equal opportunity for the parties to present evidence.

Allen School of Health Sciences strives to complete the investigation and resolution quickly; however, the process may be delayed or extended for good causes, such as the absence of parties or witnesses. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email.

Investigations

The Title IX Coordinator will begin an investigation no later than 10 business days after the notification of the formal complaint was delivered to all parties. The Title IX Coordinator will review the statements and evidence presented and may take any other appropriate action to gather information relevant to the complaint. Allen School will complete the investigation promptly, generally within 30 business days.

The Title IX Coordinator may consider statements made by the parties and witnesses during the investigation, emails or text exchanges between the parties leading up to the alleged sexual harassment, and statements about

the alleged sexual harassment that satisfy the regulation's relevance rules, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. A decision-maker at a postsecondary institution may also consider police reports, Sexual Assault Nurse Examiner documents, and medical reports.

When the investigation is complete, the Title IX Coordinator will provide the parties with a preliminary report and live-hearing. The Title IX Coordinator and President will issue a written determination regarding responsibility to the parties simultaneously.

The Title IX Coordinator is responsible for effective implementation of any sanctions or remedies required by the determination of responsibility. The list of potential sanctions or remedies includes one or more of the following:

For Students:

• **Warning** • **No-contact orders** • **Disciplinary probation** • **Dismissal** •

For Employees:

• **Warning** • **Performance improvement plan** • **Required training or education** • **Loss of annual pay increase** • **Termination**

This Policy prohibits any form of retaliation, including intimidation, threats, and other discrimination taken or threatened against any person. The exercise of rights protected under the First Amendment does not constitute retaliation. Anyone who believes retaliation has occurred should notify the Title IX Coordinator. The Title IX Coordinator will take prompt corrective action if any of the party's experiences retaliation or is subjected to further violation of this policy. Retaliation may result in disciplinary action.

Record Retention

Allen School of Health Sciences shall retain appropriate records for a period of seven years for any formal sexual harassment complaints.

For Employees:

The Allen School of Health Sciences is required to adopt and publish a grievance procedure outlining the complaint, investigation, and disciplinary process for addressing sex discrimination, sexual harassment, and sexual violence occurring within educational programs. The law enforcement personnel who consist of the Campus Director and Vice President of Academic Affairs must notify victims of their rights to use the school’s grievance procedure in addition to being able to file a criminal complaint. The Title IX Coordinator for all Allen School Campuses is primary responsibility is to coordinate the grievance procedures for resolving Title IX complaints.

All Employees/Faculty Responsibility:

All employees are obligated to report sexual violence to appropriate school officials immediately. School officials are direct Supervisors, Campus Director, Vice President, Academic Affairs, and Title IX Coordinator. Law Enforcement Personnel are to inform students of: The reporting obligations of responsible employees. Students’ option to request confidentiality and available confidential advocacy, counseling, or other support services; and their right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement.

All institutional officials will inform the Title IX Coordinator of all reports and complaints raising Title IX issues, even if the initial complaint was filed with another individual, office, and/or internship sites.

This responsibility includes coordinating complaints involving sexual harassment, monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate and in some case, reporting sexual misconduct to local law enforcement.

All written policies, with final approval of the President, Jason Teich, are submitted and distributed to all staff, faculty, and students annually. The Title IX Coordinator coordinates a survey and submits the results on the Annual Security Report for all public to view.