

SEX & GENDER-BASED MISCONDUCT RESPONSE & PREVENTION POLICY

POLICY STATEMENT

American University of the Caribbean School of Medicine (“AUC”) is committed to providing a work and educational environment free of unlawful harassment, discrimination and retaliation. AUC expressly prohibits sex and/or gender-based misconduct, which includes sexual harassment, sex discrimination, sexual assault, rape, domestic violence, dating violence, stalking, sexual exploitation and gender-based harassment. Any acts that meet this Policy’s definitions of sex and/or gender-based misconduct are a violation of AUC’s Policy. AUC is committed to fostering an environment where any alleged violation of this Policy is promptly reported, and complaints are resolved in a fair and timely manner. Creating a safe environment is the responsibility of all members of the community. Regardless of the definitions provided below, anyone who believes they are a victim of sex and/or gender-based misconduct should report the incident as soon as possible to the Sexual Misconduct Response Coordinator (See “Definitions” section below for contact information) or the campus complaint administrator in addition to seeking immediate medical and/or safety assistance.

This Policy applies to complaints or reports of alleged sex and/or gender-based misconduct. AUC states that no student or employee should be denied equal access to educational programs or activities on the basis of sex or gender, regardless of geographic location. Accordingly, AUC has adopted this institutional Policy to ensure that students and employees are protected even when they are located outside of the United States.

AUC reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If laws, regulations or court decisions change requirements in a way that affects this policy, the policy will be construed to comply with the most recent laws, regulations or holdings.

SCOPE

This Policy applies to all members of the AUC community, and includes but is not exclusive to faculty, staff, students, visitors, volunteers, vendors and persons related to, receiving or seeking to receive services, or otherwise pursuing studies with the organization. It also applies, as appropriate, to any alleged act of sex and/or gender-based misconduct that adversely impacts the AUC community, whether those acts occur on or off campus.

KEY DEFINITIONS

“**Affirmative Consent**” is the affirmative, knowing, conscious, voluntary and mutual agreement to engage in sexual activity. Consent can only exist free from intimidation, force, threat of force or coercion. Under this Policy, “No” always means “No” and “Yes” may not always mean “Yes.” Anything but voluntary, conscious, affirmative consent to any sexual activity is equivalent to “no” for purposes of this Policy. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at

any time. While the legal definition of consent is found in the AUC's Annual Disclosure, the following general rules apply when assessing whether consent has been/was given.

- Consent can never be assumed.
- The lack of protest or resistance does not constitute consent, nor does silence.
- Where there is use of threat, force or restraint by the Respondent, the lack of verbal or physical resistance or the submission by the victim does not constitute consent.
- The manner of dress of the victim does not constitute consent.
- The existence of a dating relationship between the persons involved or the fact of past sexual relations between them should never, by itself, be assumed to be an indicator of consent.
- Consent to sexual activity with one person does not constitute consent to sexual activity with another person.
- A person who initially consents to sexual contact, including penetration, may withdraw continued consent at any time during the course of that interaction. When consent is withdrawn or can no longer be given, engagement in sexual activity must stop.
- Consent to some form of sexual activity cannot automatically be taken as consent to any other form of sexual activity.
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: the person is incapacitated due to use or influence of alcohol or drugs; the person is asleep or unconscious; the person is under age, or the person is incapacitated due to a mental disability.
- Consent is required regardless of whether the person initiating sexual activity is under the influence of drugs and/or alcohol.
- A power differential between people engaged in a sexual act presumes the inability to consent for the less powerful person (e.g., the student in a student-colleague interaction; the supervisee in a direct report-supervisor interaction).
- It is not a valid excuse to alleged lack of affirmative consent that the Respondent believed the victim consented to sexual activity if the:
 - Respondent's belief arose from the Respondent's own intoxication or recklessness
 - Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented
 - Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was asleep, unconscious, incapacitated due to the influence of drugs, alcohol or medication, or was unable to communicate due to a mental or physical condition.

“Colleague” an employee of American University of the Caribbean School of Medicine.

“Colleague Code of Conduct” refers to the “Adtalem Code of Conduct and Ethics” (<https://www.adtalem.com/sites/g/files/krcnkx321/files/migrations/media/Code%20of%20Conduct%20English%20and%20Portuguese.pdf>), which is applicable to colleagues at all Adtalem Global Education institutions and offices and outlines colleagues' rights and responsibilities.

“Colleague complaint procedure” is the vehicle by which colleagues can bring to the administration’s attention any complaint relating to their experience with AUC or a member of the AUC community. It is the mechanism for investigating and trying to resolve complaints raised by colleagues and can be found in the Commons (apps.adtalem.com > **Commons- HR Portal > Policy Central**).

“Complainant” an individual who is alleged to be the victim of conduct that could constitute sex and/or gender-based misconduct.

“CRC” refers to the Coaching Resource Center, which is available to managers to assist in addressing colleague relations concerns, including complaints about colleague or vendor conduct.

“Dating Violence” means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship.

“Decision-Maker” panel of no fewer than three (3) member who will facilitate the live hearing and determine if a violation of this Policy occurred.

“Domestic Violence” 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.

“Formal Complaint” is a document (hardcopy or electronic) filed by a Complainant or signed by the Sexual Misconduct Response Coordinator alleging Sexual Harassment against a Respondent and requesting that AUC investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Sexual Misconduct Response Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in AUC’s education Program or Activity with which the Formal Complaint is filed.

“Gender-based Misconduct” refers to unwelcome conduct, including harassment, of an unacceptable nature based on actual or perceived biological sex, including behaviors based on gender identity, expression and nonconformity with gender stereotypes.

“Mandatory Reporter” is an employee who must report all instances of Sexual Harassment to the Sexual Misconduct Response Coordinator. All employees are Mandatory Reporters.

“Member of the AUC community” includes students, faculty members or staff and any other individuals associated with American University of the Caribbean School of Medicine. The

conduct administrator or complaint administrator shall determine a person's status in a particular situation.

“Notice” refers to any information regardless of whether it is direct, indirect, partial or complete received by a colleague that indicates possible sex or gender-based misconduct. When notice is received, colleagues are required to inform the Sexual Misconduct Response Coordinator or their supervisor who, in turn, must make a report to the Sexual Misconduct Response Coordinator.

“One-up manager” is a colleague's manager's manager. It is the person responsible for receiving a colleague's complaint when his/her direct manager is implicated in that complaint.

“Program or Activity” is an on or off campus locations, events, or circumstances over which AUC exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

“Rape” is any 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 affirmative consent of the victim and/or by force. Rape may involve strangers or a non-stranger (e.g., friend, classmate, relative, spouse or co-worker). In these instances, rape is often referred to as “acquaintance rape.” Rape is a crime regardless of a relationship or lack thereof between individuals.

“Respondent” an individual who has been reported to be the perpetrator of conduct that could constitute sex and/or gender-based misconduct.

“Sexual Assault¹” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Sexual Contact” means the deliberate touching of a person's intimate body parts (including lips, genitalia, groin, breast, buttocks or clothing covering any of those areas), or using force to cause self-touching by another person of intimate body parts.

“Sexual Exploitation” occurs when a person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of themselves or any other person that is not the person being exploited by the behaviors. Examples include but are not limited to: invasion of sexual privacy; prostitution; non-consensual recording of nudity or sexual activity; voyeurism; knowingly exposing someone to an STI, STD or HIV; intentional exposure of genitals in non-consensual circumstances and sex-based stalking or bullying.

“Sexual Harassment” is conduct on the basis of sex that satisfied one or more of the following:

1. An AUC colleague (employee) conditioning educational benefits or participation on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);

¹ The FBI's Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of “without the consent of the victim.”

2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to AUC's education program or activity; or
3. Sexual Assault, Dating Violence, Domestic Violence or Stalking.

“Sex and Gender-based Misconduct” is a broad term used to refer to all conduct prohibited by this Policy. This encompasses sexual harassment, gender-based harassment, dating violence, domestic violence, rape, sexual assault, sexual exploitation and stalking that fall outside of AUC's Title IX policy. Sex and gender-based misconduct can occur between strangers or non-strangers, including people involved in an intimate or sexual relationship. Sex and gender-based misconduct can be committed by any person regardless of sex, gender or sexual orientation of the victim or perpetrator.

“Sexual Misconduct Response Coordinator” is Kimberly Kirkland, Associate Dean of Student Affairs (titleixcoordinator@aucmed.edu or **305.569.8848**) responsible for overseeing compliance with all aspects of this Policy and designated to receive and monitor resolution for all sexual misconduct reports.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

“Code of Conduct applicable to students” refers to the policy titles “Student Code of Conduct,” which is accessible in the student handbook. It outlines students' rights and responsibilities, as well as the process by which action may be taken against a student for Code violations.

“Student complaint procedure” is the vehicle by which students can bring to AUC's attention any complaint relating to their experience with AUC or a member of the AUC community. It is the mechanism for investigating and attempting to resolve complaints raised by students. The student complaint procedure can be found in the student handbook <https://www.aucmed.edu/academics/student-handbook-course-catalog>.

“Speak Up” refers to the Speak Up Program, a reporting system managed by a third-party vendor (Convercent), which encourages members of the AUC community to come forward with questions or concerns, including allegations of sex and/or gender-based misconduct. Reports can be made anonymously, or reporters can provide their name and contact information. Colleagues are expected to ask legal, compliance and ethics questions and report suspected wrongdoing. Colleagues and students can utilize the Speak Up program by contacting the third-party contractor Convercent by phone at **1.800.461.9330 (in the U.S.)** or **+1.720.514.4400 (in St. Maarten)**, or online at www.speakupadtalem.com.

“Stranger” and **“Non-stranger”** are terms to describe the association between a victim of sexual harassment or sexual misconduct and the Respondent. A “Stranger” is a person(s) not known by the victim at the time of the alleged sexual harassment or sexual misconduct. A “Non-stranger” is a person(s) known by the victim, whether the person(s) is known casually, intimately or for a short or long period at the time of the alleged sexual harassment or sexual misconduct. AUC's Sex and

Gender-Based Misconduct Response and Prevention Policy applies to misconduct involving both Strangers and Non-strangers, occurring on- or off-campus.

“**Supportive Measures**” are individualized services reasonably available upon report of sex and gender-based misconduct.

“**Title IX**” is a federal law which prohibits Sexual Harassment committed against persons in the United States as part of AUC’s education program or activity. AUC’s Title IX policy is <https://www.aucmed.edu/student-consumer-information>. Title IX is enforced by the U.S. Department of Education.

“**Title IX Coordinator**” is Kimberly Kirkland, Associate Dean of Student Affairs (titleixcoordinator@aucmed.edu or **305.569.8848**) is responsible for overseeing compliance with all aspects of AUC’s Title IX policy and responsibilities.

HOW TO FILE A COMPLAINT

If you have experienced or witnessed sex and/or gender-based misconduct, AUC encourages you to notify the Sexual Misconduct Response Coordinator as soon as possible after the incident. A report may be made to either or both the police and the Sexual Misconduct Response Coordinator. The criminal process is separate from AUC’s process. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, AUC will assist a victim of Sexual Harassment in contacting the police. A Complainant is not required to contact the police in order to pursue AUC’s grievance process.

A report can be filed with a manager, one-up manager, incident commander, designated local campus administrator or through the Sexual Misconduct Response Coordinator.

Sexual Misconduct Response Coordinator: Dr. Kimberly Kirkland
Associate Dean, Student Affairs
American University of the Caribbean
1 University Drive at Jordan Road
Cupecoy, St. Maarten
305.569.8848 | TitleIXCoordinator@aucmed.edu

Reports can be made by victims, third parties or bystanders with the option to remain anonymous through the Speak Up program by phone at **1.800.461.9330 (in the U.S.) or +1.720.514.4400 (in St. Maarten)**, or online at www.speakupadtalem.com. Timely response to electronic reports should occur within 12 hours of initial receipt.

If a victim wishes to access local community agencies for support or law enforcement to make a report, upon request, AUC will assist the victim in making these contacts. Direct assistance, though limited, remains available when reports are made anonymously through Speak Up.

Anyone may make a report regarding any information pertaining to violations of this Policy. All AUC colleagues (faculty, staff, administrators and student workers) who are not otherwise identified in this Policy or through institutional addendums as confidential resources are required

to immediately provide any information received about any actual or suspected sex and/or gender-based misconduct impacting the AUC community to appropriate officials with some very narrow exceptions discussed elsewhere in this Policy (see “Confidentiality”). Regardless of how notice is received, reports may prompt a need for AUC to investigate.

REPORTING BY COLLEAGUES TO EXTERNAL AUTHORITIES

Colleagues who are made aware of a possible violation of this Policy are required to contact their manager or one-up manager and also the Sexual Misconduct Response Coordinator. Colleagues can also submit named or anonymous reports of sexual and/or gender-based misconduct by utilizing the Adtalem “Speak Up” hotline at www.speakupadtalem.com.

Colleagues should contact the Sexual Misconduct Response Coordinator with any questions about whether a report to law enforcement is appropriate. Nothing in this Policy prohibits a student or colleague from reporting a crime directly to local authorities.

Disciplinary procedures are independent of any and all procedures and proceedings under local, state or federal criminal or civil law. In all cases, AUC reserves the right to refer cases for parallel criminal prosecution or to pursue sanctions regardless of criminal prosecution. Violations of this Policy by a visitor, volunteer, vendor, agents or other third parties affiliated with AUC may also result in the termination of pre-existing or future relationships.

COMPLAINANT’S RIGHTS

AUC will implement Supportive Measures to protect victims of sex and gender-based misconduct and maintain a positive learning and working environment by minimizing or eliminating contact between Complainant and Respondent and providing reasonable academic, employment, and administrative accommodations. See “Supportive Measures” paragraph above for additional details.

Complainant’s rights include:

1. The right to notify or not notify law enforcement and to request and receive assistance from AUC in making a report if desired.
2. The right to summary information on all available response options, such as complaint resolution procedures, including the necessary steps and potential consequences of each option whether or not a formal report is made to the institution.
3. The right to be free from undue coercion from AUC to pursue or not pursue any course of action.
4. The right to be informed of the institution’s role regarding orders of protection, no contact orders, restraining orders or similar lawful orders issued by a civil, criminal or tribal court (when applicable). AUC abides by orders of protection (including no-contact orders and restraining orders), which are generally issued by a municipal court to protect a person or entity in a situation involving sexual assault. AUC may also liaise

- with local authorities to assist an individual who wishes to obtain protective or restraining orders.
5. The right to request and receive information on how to make a confidential report for the purposes of tracking campus crime without otherwise divulging details that would require or permit AUC to investigate and respond (when the incident has not yet been reported to a colleague required to notify the Sexual Misconduct Response Coordinator).
 6. The right to contact information for the Sexual Misconduct Response Coordinator, available confidential advisors, community-based resources (sexual assault crisis centers or other appropriate support services), campus security and/or local law enforcement.
 7. The right to be fully informed of any applicable disciplinary conduct process and procedures.
 8. The same rights as the Respondent to attend and have a support person of their choice and/or witnesses present at student conduct hearings and any meetings leading up to such a hearing.
 9. The right to be informed of the outcome of any student or colleague conduct process involving alleged sex or gender-based misconduct regardless of participation in the process leading to that outcome. In the case of student conduct proceedings, victims have the right to appeal the outcome.
 10. The right to request Supportive Measures.
 11. The right to obtain and have enforced a campus-issued limiting instruction or no contact order or a court issued order of protection or no contact order.
 12. The right to be informed about AUC's ability to provide assistance, upon request, in accessing and navigating campus and/or community resources for health, mental health, advocacy, and/or other services for survivors of sexual assault, relationship violence and other forms of sexual misconduct.
 13. The right to be free from any suggestion that they are at fault or should have acted in a different manner to avoid reported sex or gender-based misconduct.
 14. The right to not be required to describe the incident to more representatives than absolutely necessary for proper investigation and response and under no circumstances will a victim be required to repeat details of the incident to secure appropriate accommodations.
 15. The right to make an impact statement during the point in any conduct review process where the decision maker is prepared to deliberate on appropriate sanctions.

CONFIDENTIALITY

AUC wishes to create an environment in which individuals feel free to discuss concerns and make complaints. AUC understands that victims, witnesses and others involved in the investigation process may be concerned about the confidentiality of the information they are sharing. In some cases, however, AUC may be obligated to take action when it becomes aware of information relating to a complaint.

Confidentiality in cases of sex and/or gender-based misconduct will be maintained to the extent permissible by law and consistent with AUC's obligations in investigating complaints. Once an individual discloses identifying information to AUC through the processes described above and in the applicable complaint procedures, that person will be considered to have filed a complaint with AUC.

While the confidentiality of information received, the privacy of individuals involved and compliance with the wishes of the Complainant or witnesses cannot be guaranteed, they will be respected to the extent possible and appropriate.

If students or colleagues wish to speak with someone who can assure confidentiality, they may contact a Confidential Advisor.

Confidential Resource: **AUC Wellness Counseling Center**
 American University of the Caribbean School of Medicine
 1 University Drive at Jordan Road Cupecoy, St. Maarten
 sxmwellness@aucmed.edu | 721.545.2298

Students are also encouraged to access counseling services available through AUC's Wellness Counseling Center at **721.545.2298** or sxmwellness@aucmed.edu. Colleagues may contact AskHR at **1.855.882.4770** for information on available resources.

These confidential resources permit discussion of an incident without beginning the investigation process. Local or profession specific mandatory reporting laws related to certain types of concerns (i.e., child sexual abuse) may still trigger a requirement for a confidential resource to report an incident to identified enforcement agencies.

SUPPORT AND RESOURCES

Upon report of alleged sex and/or gender-based misconduct, the Sexual Misconduct Response Coordinator will offer individualized appropriate support ("Supportive Measures") or refer the victim directly to immediate assistance. Supportive Measures are available to the Respondent or Complainant, as appropriate. Examples include academic accommodations, changes in housing for the victim or a Respondent student, changes in working situations and other arrangements as may be appropriate and available (such as limiting orders, campus escorts, transportation assistance or targeted interventions).

Victims of sexual assault, dating violence, domestic violence and/or stalking will also be provided with written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available.

AUC will keep confidential the victim's identity and any accommodations or Supportive Measures provided, to the extent that maintaining such confidentiality will not impair AUC's ability to provide the accommodations or Supportive Measures.

Supportive Measures are individualized and appropriate based on the information gathered by the Sexual Misconduct Response Coordinator. If circumstances related to an incident change over time, these and other Supportive Measures may be revisited. AUC may also provide referrals to counseling services, at the victim's option, including but not limited to the confidential colleague and student support services outlined above (See "Reporting"). Local resource lists can also be found through student services. A brief list of national and international referral sites can be found at the end of this Policy.

ADDITIONAL RESOURCES FOR COMPLAINANTS

Local Resources can be found in the AUC's Annual Security Report distributed to each campus community and posted on the Student Consumer Information page of AUC's website. The reports are available by location in a drop-down menu and contain lists of local resources available to victims of sex and gender-based misconduct. The resource lists are updated annually.

To access this information, go to: <https://www.aucmed.edu/student-consumer-information>

Additionally, the following resources exist to provide information and links to external assistance:

- **National Sexual Assault Hotline** 1.800.656.HOPE (4673) rainn.org
- **National Domestic Violence Hotline** 1.800.799.7233 (TTY) 1.800.787.3224 thehotline.org
- **National Network to End Domestic Violence** nnedv.org womenslaw.org
[Legal information and resources]
- **National Center for Victims of Crime** victimsofcrime.org
- **loveisrespect** 1.866.331.9474 (TTY) 1.866.331.8453 loveisrespect.org
- **National Suicide Prevention Hotline** 1.800.273.TALK (8255) suicidepreventionlifeline.org
- **Americans Overseas Domestic Violence Crisis Center** 1.866.USWOMEN (International Toll-Free) crisis@866uswomen.org
- **U.S. Embassy** usembassy.gov
- **Child Welfare Information Gateway** childwelfare.gov
- **State Statutes Including Mandatory Reporting Laws** childwelfare.gov/topics/systemwide/laws-policies/state

AMNESTY FOR COMPLAINANTS AND WITNESSES

AUC will investigate allegations of sex and gender-based misconduct, including when drugs or alcohol may have been involved. AUC encourages the reporting of sex and gender-based misconduct by victims and witnesses who are sometimes hesitant to report to AUC officials or participate in the resolution processes because of concern that they may be accused of policy violations, such as underage drinking or drug use at the time of the incident. It is in the best interest of the community that victims and witnesses come forward to share what they know regarding

violations of this Policy. To encourage reporting, AUC grants victims and witnesses amnesty, when appropriate, for potential AUC policy violations and provides all parties and witnesses other interim measures as appropriate or needed.

Similarly, AUC encourages direct assistance to those in need as a result of sex or gender-based misconduct. In instances where minor policy violations are revealed as a result of a person providing assistance to a victim, policy violations should not be overlooked; however, AUC may provide educational options, rather than punitive sanctions, to those who offer their assistance.

COMPLAINT DISMISSAL

AUC may dismiss a Formal Complaint if the Complainant informs the Sexual Misconduct Response Coordinator, in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by AUC; or if specific circumstances prevent AUC from gathering sufficient evidence to reach a determination. If a Formal Complaint is dismissed, the parties will be provided written notice of the dismissal outlining the reason(s) for dismissal.

EMERGENCY REMOVAL

AUC can remove a Respondent entirely or partially from an educational Program or Activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical or safety of any student or other individual justifies removal. The risk analysis is performed by the Sexual Misconduct Response Coordinator in conjunction with the Director, Enterprise Safety and Security.

In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Sexual Misconduct Response Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

The Sexual Misconduct Response Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

AUC will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Sexual Misconduct Response Coordinator, these actions could include, but are not limited to: temporarily re-assigning a Colleague, restricting a student's or Colleague's access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

GRIEVANCE PROCESS

AUC utilizes a prompt, equitable and impartial grievance process to evaluate reports. Personnel involved in the grievance process will be free from conflicts of interest or bias for or against the parties.

The parties will receive equal opportunity to provide information, witness statements, evidence, and other information that may be necessary to fully evaluate the alleged offense. Both parties will be afforded equitable rights and access during the grievance process.

Generally, the grievance process consists of a report, investigation, live hearing (including cross-examination), determination, disciplinary measures, remedies and appeal (if applicable). The grievance process, barring extenuating circumstance, will conclude within 90 calendar days from the date a report is received. The parties will be notified by the investigator or decision-maker if the process will take longer than 90 days.

ADVISOR

The parties may be accompanied by an advisor of their choice. If a party does not have an advisor present at the live hearing, the AUC will select and provide an advisor, without fee or charge, to conduct cross-examination of witnesses on behalf of that party. The parties may not conduct cross-examination.

Choosing an advisor who is a witness in the grievance process creates potential for bias and conflict of interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the grievance process. Advisors are expected to advise without disrupting proceedings. For example, advisors should not address AUC officials in a meeting or interview unless invited to. An advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except during a live hearing, during cross-examination. If an advisor is disruptive or otherwise fails to respect the limits of the advisor role, the meeting or interview may be ended.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third Parties, disclosed publicly, or used for purposes not explicitly authorized by AUC. AUC may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the AUC's privacy expectations.

INVESTIGATION

When the Complainant chooses or AUC believes it is necessary, a prompt, fair and impartial process from the initial investigation to the final result to resolve reports of sex and gender-based misconduct. In the event a Complainant requests that an investigation not occur, their request will be honored when possible and unless AUC determines in good faith that failure to investigate creates a potential risk of harm to the Complainant or other member of the AUC community.

If an investigation is initiated, the process will be conducted by officials of the Office of Equity and Access, or its designee, who will receive annual training on the issues related to sex and gender-based misconduct, including sexual assault, dating violence, domestic violence and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. AUC officials who do not have a conflict of interest or bias for or against the Complainant or the Respondent will conduct the process.

Generally, an investigation will consist of interviewing the Complainant, the Respondent and any witnesses. The parties will be provided an equal opportunity to present fact and expert witnesses or other evidence. The parties (and their advisors) will be provided with evidence directly related to the allegations, in electronic format or hardcopy, with at least 10 days for the parties to inspect, review, and respond to the evidence. The Investigator will consider the responses received from the parties before issuing the investigative report.

Once the investigation has concluded, the Investigator will draft an investigative report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigative report will be sent to the parties (and their advisors) at least 10 days prior to a live hearing. The parties may provide a written response to the investigative report.

The colleague complaint procedure, which details the investigation and resolution processes and prohibited colleague conduct, can be found on the Commons (apps.adtalem.com > **Commons-HR Portal** > **Policy Central**).

Privacy of the records specific to a sex and/or gender-based misconduct investigations are maintained in accordance with applicable law, including the Family Educational Rights and Privacy Act (FERPA). Any public release of information to issue a timely warning will not include the names of victims or information that could easily lead to a victim's identification. In appropriate instances, pertinent Supportive Measures and the results of disciplinary hearings regarding the Respondent will be disclosed to the Complainant. Confidentiality will be maintained whenever possible; however, AUC reserves the right to exercise discretion and disclose details of an incident or allegation to assure community safety or the safety of an individual.

INFORMAL RESOLUTION

If the Sexual Misconduct Response Coordinator deems appropriate and both parties voluntarily consent in writing, Formal Complaints can be resolved through informal resolution, such as mediation. The Sexual Misconduct Response Coordinator will facilitate an appropriate informal resolution process depending on the nature of the allegations, the parties involved, and the overall circumstances. Informal resolution will be conducted by a facilitator, who will be designated by the Sexual Misconduct Response Coordinator. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process. Informal resolution is unavailable to resolve allegations that a Colleague sexually harassed or sexual assaulted a student.

LIVE HEARING

If a report is not resolved informally, AUC will conduct a live hearing. Live hearings are facilitated by a designated Decision-Maker. The Decision Maker will be selected by the Office of Equity and

Access. The Decision-Maker consists of a panel of no fewer than three (3) members, designated from the hearing panel.

Cross-examination during the live hearing will be conducted directly, orally, and in real time by the party's advisor and not by a party personally. The Decision-Maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including that challenge credibility. Only relevant cross-examination questions (as well as other questions deemed pertinent at the discretion of the Decision-Maker) may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination question, the Decision-Maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.

Rape shield protections are applied to Complainants, deeming irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged Sexual Harassment or offered to prove consent.

As of August 24, 2021, and pursuant to the Department of Education's August 24, 2021 guidance, the Decision-Maker may consider statements from a party or witness who are not present at the live hearing in reaching a determination regarding responsibility, so long as the questions are otherwise permissible. However, the Decision-Maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer questions.

At the request of either party, AUC will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. Live hearings may be conducted with all parties physically present in the same geographic location or, at AUC's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. An audio or audiovisual recording, or transcript, of any live hearing will be created and maintained for seven (7) years.

Individuals participating in the live hearing cannot be disruptive and must follow the policies and procedures set by AUC. The Decision-Maker has the authority to enforce decorum.

STANDARD OF EVIDENCE

The Decision-Maker will utilize the preponderance of evidence standard to determine if a violation of the Sex and Gender-Based Misconduct Response and Prevention Policy occurred. The preponderance of evidence standard means that based on all the information available, it is more likely than not that the alleged sexual harassment or sexual misconduct occurred.

EVIDENCE LIMITATIONS

AUC will not use, rely on or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. AUC will not access or use a party's medical, psychological, and similar treatment records unless the party provides voluntary, written consent. Prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged sexual misconduct or offered to prove consent. Past findings

of domestic violence, dating violence, stalking or sexual assault may be admissible in the review process stage that determines sanction.

WRITTEN DETERMINATION

Once complete, the parties will be simultaneously informed in writing of the outcome. Notice to both parties will include the written statement detailing the factual findings supporting the determination and the rationale for the sanction/discipline (if any) to the degree possible and always when the sanction/discipline is directly relevant to that individual. The notice will also include appeal procedures, if applicable, and when the results become final.

DISCIPLINARY REVIEW AND ACTION

Acts of sex and/or gender-based misconduct are subject to disciplinary action. Disciplinary actions against the Respondent will not be imposed before completion of AUC's grievance process. Following a determination of responsibility, appropriate corrective action will be taken, and AUC will take steps to prevent recurrence. Disciplinary actions taken will be determined on a case-by-case basis. Disciplinary action is not intended to determine criminal responsibility. Rather, it is intended to identify and respond to violations of AUC policy and community standards. Separate and distinct disciplinary action may also be considered in instances of retaliation against those who in good faith report or disclose an alleged violation of the comprehensive policy, file complaint, or otherwise participate in the complaint resolution procedure. Failure to abide by imposed disciplinary actions (whether by refusal, neglect or any other reason), may result in additional disciplinary action, including suspension or termination. Failure by Respondent to adhere to Disciplinary Action will be considered a form of retaliation or an extension of the initial allegations.

Individuals who make a materially false statement in bad faith in the course of a grievance process under this Policy will be subject to AUC's Code of Conduct policies.

REMEDIES

Remedies are provided to a Complainant whenever a Respondent is found responsible and may be disciplinary and punitive. Student remedies are designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and reasonable under the circumstances. Remedies may include supportive measures.

SANCTIONS FOR STUDENT MISCONDUCT

If AUC determines that sex and/or gender-based misconduct has occurred, appropriate disciplinary sanctions for substantiated violations of this Policy by students, up to and including expulsion, will be imposed in accordance with the Code of Conduct applicable to students found at <https://www.aucmed.edu/academics/student-handbook-course-catalog>. The full list of available sanctions is provided in the Code of Conduct applicable to students.

This Policy statement is not intended to replace or substitute for the Code of Conduct applicable to students. This Policy is a supplement to the community standards that the Code of Conduct

applicable to students sets forth. In addition, violations of this Policy may trigger application of sanctions to a student imposed under local, state or federal law.

SANCTIONS FOR COLLEAGUE MISCONDUCT

Disciplinary sanctions for a colleague's violation of this Policy may include written reprimand, warning, probation, suspension, housing suspension, housing expulsion, limiting order, change in job assignment, office relocation, reduction of awards under the management incentive plan, or termination of employment or contract, and will be imposed in accordance with applicable AUC policies and procedures.

AUC reserves the right to impose further and/or different sanctions appropriate to an individual situation. In addition, violations of this Policy may trigger application of sanctions to a colleague imposed under local, state or federal law.

Colleagues are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Sexual Misconduct Response process and not constrained by the outcome of the Sexual Misconduct Response process.

APPEAL

Both parties have the right to appeal a determination regarding responsibility, AUC's dismissal of a Formal Complaint or any allegations therein if: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; (3) a conflict of interest or bias, that affected the outcome of the matter; and/or (4) the proposed Remedy was not reasonable based on the evidence compiled during the investigation

An appeal must be submitted in writing to the Title IX Coordinator within ten days of the delivery of the Written Determination.

RETALIATION PROHIBITED

Retaliation (including intimidation, threats, coercion or discrimination) against an individual for raising an allegation of sexual and/or gender-based misconduct, for cooperating in the investigative is prohibited. If you believe you have been retaliated against, you should follow the procedures outlined in AUC's Retaliation policy located in the Student Handbook. Colleagues should refer to the Retaliation policy located in the Global Employee Handbook.

TRAINING FOR SEXUAL MISCONDUCT RESPONSE PERSONNEL

AUC ensures that its Sexual Misconduct Response personnel have adequate training. The Sexual Misconduct Response Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of AUC's education Program or Activity, how to conduct an investigation, AUC's grievance process (including hearings, appeals, and informal resolution processes, as applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-Makers are trained on the definition of Sexual Harassment, the live hearing process, technology to be used in live hearings, and issues of relevance (including how to

apply the rape shield protections provided for Complainants). Informal resolution facilitators are trained on the informal resolution process.

Materials used to train Sexual Misconduct Response personnel are posted on AUC's website and may also be requested directly from the Sexual Misconduct Response Coordinator.

AUC will provide primary prevention and awareness programs to prevent Sexual Assault, Dating Violence, Domestic Violence and Stalking to incoming students and new Colleagues during their first semester.

BIAS/CONFLICT OF INTEREST

To raise any concern involving bias or conflict of interest by the Sexual Misconduct Response Coordinator, contact the Director of the Office of Equity and Access, Dwight Hamilton, by phone at 312.651.1458 or by email at equity@adtalem.com. Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Sexual Misconduct Response Coordinator.

TIMELY WARNING REQUIREMENTS

College administrators will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. AUC will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. AUC reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASR.

PREVENTION AND AWARENESS

Acts that are deemed to fall within the scope of this Policy are violations of the Codes of Conduct as well as the expectations of members of the AUC community. These acts may also be crimes. In an effort to increase the likelihood of intervention and reduce the risk of sex and/or gender-based misconduct from occurring among its students and colleagues, AUC is committed to providing primary and ongoing awareness and prevention programming.

Primary and ongoing awareness and prevention programs will cover the continuum of issues contemplated by this Policy. Themes will include situational awareness and prevention strategies, such as bystander intervention and other forms of risk reduction. While bystander intervention specifically refers to the safe and effective ways in which third parties can intervene to thwart sex and/or gender-based misconduct, risk reduction also encompasses various strategies to eliminate or reduce risk of harm by avoiding or removing oneself from situations that are dangerous or uncomfortable. Awareness programs are events that occur online or in person that invite active engagement of community members. It is the expectation and responsibility of each member of the AUC community to participate in programming which will assist with ongoing prevention

efforts as well as effective and efficient identification and response when sex and/or gender-based misconduct does occur.

Primary prevention and awareness programming will include a comprehensive online education platform intended for viewing by all colleagues and students as well as student-facing vendors if necessary and appropriate. The program will be completed by:

- New students and transfer students within three weeks of the start of the student's first session
- Returning and continuing students who did not take the training as a new or transfer student within three weeks of the start of the session the student is scheduled to resume or continue studies
- Colleagues by the date stated in email notification
- Specific vendors by the date stated in email notification

Access to the primary prevention program and its contents will be ongoing throughout the participant's relationship with AUC. Members of the AUC community are encouraged to visit this resource regularly for personal, professional and academic purposes.

Ongoing prevention and awareness campaigns are public service announcements and campaigns as well as messages and activities integrated into the day-to-day fabric of the academic community. These initiatives are intended to reinforce increased awareness regarding sex and/or gender-based misconduct and prevention strategies throughout the year. AUC will continually seek formal and informal ways to incorporate additional awareness and prevention strategies, e.g., active and passive educational campaigns, such as social norms poster campaigns, newsletter articles, presentations and volunteerism with local community resource agencies. When additional ongoing education is provided, the organizer will report that event, activity or effort to the Sexual Misconduct Response Coordinator for record keeping and quality assurance purposes. Toolkits including ideas and resources that support ongoing efforts and are related to the primary prevention and awareness programming, will be made available to any campus upon request.

Risk Reduction Tips

Responsibility for sexual misconduct rests with those who commit such acts. Risk reduction tips are not intended to blame the victim. There are precautions we all can take which may limit our exposure to situations which may result in non-consensual sexual acts.

- Communicate limits/ boundaries and respect the limits/boundaries of others.
- Clearly and firmly say "No" to a sexual aggressor.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
- If someone is nearby, ask for help.
- Take responsibility for your alcohol/drug use. Acknowledge that alcohol/drugs lower sexual inhibitions and may make you vulnerable to someone who sees an impaired person as a sexual opportunity.
- Do not take advantage of someone's intoxication or altered state even if alcohol or drugs were consumed willingly.

- If you choose to share intimate images, pictures, videos or content with others, even those you trust, be clear about your expectations regarding how the information may be used, shared or disseminated. If such information is shared with you, do not share it with others.
- Take care of friends and ask that they take care of you.
- As a sexual initiator, clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go or about physical and/or mental ability to consent.
- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage, your gender, your demeanor or your physical presence. Do not use or abuse that power.

Bystander Intervention Strategies

Intervention by classmates, colleagues and others within proximity to the precursors or signs of possible sexual assault, sexual exploitation, dating violence, domestic violence or stalking can significantly impact the course of an interaction between a latent perpetrator and victim. Bystanders may also encourage friends, classmates and colleagues who are already experiencing victimization to seek assistance sooner than they may have without encouragement, support or acknowledgment. Community members are encouraged to recognize warning signs and to consider possible methods of interference in various scenarios before opportunities to intervene arise. By planning ahead, we all maximize the likelihood of being empowered to take safe actions to either prevent sexual misconduct or offer paths to eliminate ongoing victimization.

When a member of the AUC community observes threatening, coercive, forceful, aggressive or harassing behavior, it is important to assess the situation to determine the best possible course of action for all concerned. Some forms of intervention are direct, while others will be less apparent to the perpetrator or others within range of the interaction. Examples include but are not limited to:

- Making up an excuse to get someone out of a dangerous situation.
- Stepping in to change the course of an interaction.
- Warning potential or perceived perpetrators that their actions may lead to severe consequences.
- Refusing to leave the company of a potential victim despite efforts by an aggressor or pursuer to get the potential victim alone.
- Taking steps to reduce alcohol or drug consumption within a potentially dangerous social situation.
- Calling and cooperating with security, administration, the police or others to assist with intervention and accountability.

- Expressing concern or offering resources when you notice someone with unexplained or frequent injuries.
- Refusing to consider sex and/or gender-based misconduct a personal or private matter between the victim and the perpetrator.

PROCEDURES TO FOLLOW AFTER A SEXUAL MISCONDUCT INCIDENT

Victims of any sexual misconduct that might constitute a crime, including domestic violence, dating violence, sexual assault, stalking and rape (including acquaintance rape) that impacts the AUC community have the option and are encouraged to contact local law enforcement authorities. The criminal process is separate from AUC's process.

Whenever possible, victims should report a violation of this Policy as soon as possible and preserve evidence as may be necessary to prove that domestic violence, dating violence, sexual assault or stalking occurred, or to obtain a protection order. Victims of sexual assault or rape are strongly encouraged to report the incident as described in this Policy to deter future assaults and to ensure that victims receive the services they need. Steps should be taken to help deal with physical and emotional trauma associated with the violation. Recommended steps include:

1. Go to a safe place; go somewhere to get emotional support.
2. Consider reporting the incident to the police. Victims are not required to report an incident to law enforcement authorities, but AUC will assist the victim with contacting the police, if requested.
3. Report the misconduct to the manager of student services, sr. manager of campus operations, one-up manager, campus incident commander, local AUC leadership, Sexual Misconduct Response Coordinator or the CRC.
4. For your safety and well-being, immediate medical attention is encouraged. Time is a critical factor for evidence collection and reservation that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining an order of protection. Being examined as soon as possible, ideally within 120 hours, is important especially in the case of rape and other forms of sexual assault. To preserve evidence, it is recommended that, if at all possible, you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. Secure them in a clean paper bag or clean sheet. Completing a forensic examination does not require someone to file a police report. To find a location near you that performs free forensic examinations, call the National Sexual Assault Hotline at (800) 656-4673. Resources are also available through the Rape Abuse & Incest National Network (RAINN); www.RAINN.org.
5. Even after the immediate crisis has passed, consider seeking professional counseling and the support of local and specialized support agencies, such as sexual assault

recovery centers and domestic violence safe houses. This can help to recover from the psychological effects and provide a safe environment for recovery.

POLICY ON NON-DISCRIMINATION

As set out in the Student Handbook, Faculty Manual and Staff Handbook, the University maintains a policy of non-discrimination regardless of race, color, religion, age, gender, disability, national origin, sexual orientation or gender expression. It is the responsibility of every employee and student in the University community to conduct him or herself in a manner that contributes to an environment free of discrimination on the basis of any of these prohibited grounds. 1.3 Discriminatory conduct by a student or employee sufficient to create a hostile environment (“Harassment”) will be subject to discipline in accordance with the University’s Administrative Review and Grievance Procedures. Such conduct violates both law and University policy, and it will not be tolerated in the University community. What is Discrimination?

For purposes of this Policy, discrimination is conduct or behavior directed toward a student or employee of the University that is based on any actual or perceived trait or characteristic that is protected under the University’s Non-Discrimination Policy.

What is Harassment?

Harassment is a form of discrimination. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when conduct is sufficiently severe, pervasive or persistent so as to interfere with an individual’s work or academic performance or creates an intimidating, hostile, or offensive environment. Examples of words or conduct that may constitute harassment that would violate this Policy are:

- Verbal abuse, slurs, derogatory comments or insults about, directed at, or made in the presence of an individual or group based on protected status. This could include telephone calls, emails, instant messages, etc.
- Display or circulation of written materials or pictures that are degrading to a person or group based on protected status.
- Damage to, trespass on or unauthorized use of property, such as spraying or scratching of a motor vehicle, damage or theft of property, based upon the protected status of an individual or group.
- Physical contact or verbal threats based upon the protected status of an individual or group.

WHOM TO CONTACT IF YOU THINK YOU HAVE BEEN DISCRIMINATED AGAINST OR HARASSED

The Student Service Manager, Dean of Campus Operations Program Dean/Director and/or Dean of Academic Affairs are available to serve as a resource to any student or other member of the AUC community who has a discrimination or harassment inquiry or complaint. These resource persons have information about AUC’s non-discrimination policy, rules and procedures (including

information about confidentiality) as well as options available for the investigation and resolution of complaints. Individuals with a discrimination or harassment inquiry or complaint may be more comfortable speaking with someone of the same gender, and the resource persons listed can assist in finding help of the preferred gender.

Students who wish to file discrimination or harassment complaints against AUC should follow the Student Complaint/Grievance Procedure found in this handbook.

Students who wish to file discrimination or harassment complaints against a fellow student should follow the Professional Conduct Procedure found in this handbook.

Complaints involving discrimination or harassment should be reported to Dwight Hamilton, Director, Office of Equity and Access (**equity@adtalem.com** or **630.829.0233**).