

## TITLE IX POLICY

Ross University School of Medicine (“RUSM”) is committed to providing a work and educational environment free of unlawful harassment, discrimination and retaliation. In accordance with Title IX of the Education Amendments of 1972, RUSM does not discriminate on the basis of sex in its education Program or Activity, which extends to admission and employment. RUSM also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its educational Program or Activity.

If you believe that you have experienced or witnessed sexual misconduct or discrimination as part of RUSM's educational Program or Activity outside the United States, please follow the procedures outlined in the RUSM Sex and Gender-Based Sexual Misconduct Response and Prevention Policy.

RUSM reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If government 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 government regulations or holdings.

## TITLE IX COORDINATOR

The Title IX Coordinator coordinates RUSM’s efforts to comply with its Title IX responsibilities.

**Title IX Coordinator:**        **Kelsey Bowen**  
   **Manager, Student Support**  
   **Ross University School of Medicine**  
   **2300 SW 145<sup>th</sup> Avenue | Suite 200 | Miramar, FL 33027**  
   **754.208.4774 | [TitleIXCoordinator@RossU.edu](mailto:TitleIXCoordinator@RossU.edu)**

The Title IX Coordinator is responsible for implementing RUSM’s Title IX policy, intaking reports and Formal Complaints of Sexual Harassment and providing supportive measures. The Title IX Coordinator is also responsible for maintaining corresponding Clery Act crime statistics and reporting to the Director, Enterprise Safety and Security.

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

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 1.855.203.6928 (in Barbados)**, or online at [www.speakupadtalem.com](http://www.speakupadtalem.com).

## 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 RUSM’s Annual Safety Report, 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 Complainant does not constitute consent.
- The manner of dress of the Complainant 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 Complainant 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 Ross University School of Medicine.

“**Colleague Code of Conduct**” refers to the “Adtalem Code of Conduct and Ethics” (<https://www.adtalem.com/sites/g/files/krcnkv321/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 RUSM or a member of the RUSM 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](https://apps.adtalem.com) > **Commons- HR Portal > Policy Central**).

“**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.

“**Member of the RUSM community**” includes students, faculty members or staff and any other individuals associated with RUSM. 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 Title IX Coordinator or their supervisor who, in turn, must make a report to the Title IX 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.

**Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of RUSM conditioning educational benefits or participation on an individual’s participation in unwelcome sexual conduct (i.e. quid pro quo);
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 RUSM’s education Program or Activity; or
3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA)\*:
  - **Sexual Assault<sup>1</sup>:** As defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

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<sup>1</sup> 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.”

- **Dating Violence:** As defined in 34 U.S.C. 12291(a)(10), 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.
- **Domestic Violence:** As defined in 34 U.S.C. 12291(a)(8), 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.
- **Stalking:** As defined in 34 U.S.C. 12291(a)(30), 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.

\* Please note: In accordance with the Violence Against Women Reauthorization Act of 2013 ("VAWA"), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent are contained in RUSM's Annual Safety and Security Report ("ASR"). VAWA crimes are reported in the ASR based on the definitions above.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim's behalf.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Formal Complaint:** A document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that RUSM investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX 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 RUSM's education Program or Activity with which the Formal Complaint is filed.

**Program or Activity:** On or off campus locations, events, or circumstances over which RUSM exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

**Mandatory Reporter:** Designated College employees who must report all instances of Sexual Harassment to the Title IX Coordinator.

**Discretionary Reporter:** Designated College employees who may, with the Complainant's consent, report instances of Sexual Harassment to the Title IX Coordinator.

**Clery Geography:** As defined in the Clery Act, includes (A) buildings and property that are part of RUSM's campus; (B) RUSM's noncampus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus. A map of RUSM's Clery Geography is contained in RUSM's ASR.

## **PROCEDURE FOR REPORTING SEXUAL HARASSMENT**

If you believe that you have experienced or witnessed Sexual Harassment, RUSM encourages you to notify the Title IX Coordinator as soon as possible after the incident. A report may be made to either or both the police and the Title IX Coordinator. The criminal process is separate from RUSM's Title IX grievance process. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, RUSM will assist a victim of Sexual Violence in contacting the police. A Complainant is not required to contact the police to pursue RUSM's grievance process.

## **CONFIDENTIALITY**

To make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting College resources. 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 Title IX Coordinator. All College Colleagues are designated mandatory reporters will notify the Title IX Coordinator of any complaints received.

**Confidential Resources:**     **Dr. Dahlia Gibson**  
  **Director of Counseling**  
  **Ross University School of Medicine**  
  **Two Mile Hill, St. Michael, Barbados BB11093**  
  [dgibson@rossu.edu](mailto:dgibson@rossu.edu)

The Adtalem Speak Up Program ("SpeakUp") is a reporting system managed by a third-party vendor (Convercent), which encourages members of the RUSM 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 **1.855.203.6928 (in Barbados)**, or online at [www.speakupadtalem.com](http://www.speakupadtalem.com).

RUSM will keep confidential the identity of the Complainant, Respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Title IX grievance process.

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to RUSM's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer Supportive Measures and/or Remedies, and/or engage in informal or formal action, as appropriate.

## **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 RUSM community. These acts may also be crimes. To increase the likelihood of intervention and reduce the risk of sex and/or gender-based misconduct from occurring among its students and colleagues, RUAM 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 RUSM 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 RUSM. Members of the RUSM 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. RUSM 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 Title IX 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.

**Additional training** will be delivered to colleagues responsible for responding to reports of sex and/or gender-based misconduct, including but not limited to complaint administrators, conduct administrators, conduct panelists and appeal reviewers. These colleagues should complete the primary prevention and awareness programming described above as well as remote or live training and/or consultation with the Title IX Coordinator before and during management of an allegation within the scope of this Policy.

## **Complainant Rights**

Complainant rights include:

1. The right to notify or not notify law enforcement and to request and receive assistance from RUSM 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 RUSM 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). RUSM 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. RUSM 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 RUSM to investigate and respond (when the incident has not yet been reported to a colleague required to notify the Title IX Coordinator and/or Sexual Misconduct Response Coordinator).

6. The right to contact information for the Title IX Coordinator and/or 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, both parties 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 RUSM'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 complainant 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.

For more specific instructions on how to properly comply with this Policy, consult the Title IX Coordinator.

### **Amnesty for Complainants and Witnesses**

RUSM will investigate allegations of sex and gender-based misconduct, including when drugs or alcohol may have been involved. RUSM encourages the reporting of sex and gender-based misconduct by complainants and witnesses who are sometimes hesitant to report to RUSM 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 complaints and witnesses come forward to share what they know regarding violations of this Policy. To encourage reporting, RUSM grants complainants and witnesses amnesty, when appropriate, for potential RUSM policy violations and provides all parties and witnesses other interim measures as appropriate or needed.

Similarly, 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 complainant, policy violations should not be overlooked; however, RUSM may provide educational options, rather than punitive sanctions, to those who offer their assistance.

## **SUPPORTIVE MEASURES**

The Title IX Coordinator will provide Supportive Measures as necessary. Supportive Measures are individualized services reasonably available to ensure equal educational access, protect safety or deter Sexual Harassment. Supportive Measures are available, as appropriate, to either or both the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Examples include counseling, extensions of time or other course-related adjustments, modifications to work or class schedules, campus escort services, restrictions on contact between the parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar accommodation.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Once the Title IX Coordinator receives a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this policy. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

RUSM will maintain the privacy of the Supportive Measures, provided that privacy does not impair RUSM's ability to provide the Supportive Measures.

## **EMERGENCY REMOVAL**

RUSM can remove a Respondent entirely or partially from an education 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 Title IX 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 Title IX 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 Title IX 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.

RUSM will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX 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.

## **COMPLAINT DISMISSAL**

Dismissal of a Formal Complaint may occur under several circumstances. RUSM must dismiss a Formal Complaint if the allegations do not meet the definition of Sexual Harassment, did not occur in RUSM's education Program or Activity, or did not occur against a person in the United States.

RUSM may dismiss a Formal Complaint if the Complainant informs the Title IX Coordinator, in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by RUSM; or if specific circumstances prevent RUSM 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. A dismissal does not preclude action by RUSM under its Sex and Gender-Based Sexual Misconduct Response and Prevention Policy.

## **TITLE IX GRIEVANCE PROCESS**

RUSM utilizes a prompt, equitable and impartial grievance process to evaluate Formal Complaints. Title IX personnel (Title IX Coordinators, Investigators, Decision-Makers, individuals who facilitate informal resolution process) will be free from conflicts of interest or bias for or against Complainants or Respondents. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent or witness.

Both 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. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Generally, the grievance process consists of a Formal Complaint, investigation, live hearing, determination, disciplinary measures, remedies and appeal (if applicable). The grievance process, barring extenuating circumstance, will conclude within 90 calendar days from the date a Formal Complaint is filed.

## **Advisor**

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

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 RUSM. Ross University School of Medicine 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 RUSM's privacy expectations.

## **Investigation of Complaints**

RUSM will investigate Sexual Harassment allegations in a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator. The Title IX Coordinator will respect the Complainant's wishes as to whether RUSM investigates an allegation of Sexual Harassment, unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the RUSM community. A Complainant is not required to participate in an investigation and grievance process for Formal Complaints signed by the Title IX Coordinator. However, the ability to investigate, respond, and provide Remedies may be limited or impossible without participation of the Parties. RUSM may consolidate Formal Complaints where the allegations arise out of the same facts.

Upon receipt of a Formal Complaint, written notice will be sent to the parties. The Notice of Investigation will include: details of the allegations (including identities of the parties involved, specific section of the policy alleged to have been violated, the conduct that would be considered Sexual Harassment, the date of the incident(s) and the location of the incident(s)); a statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to RUSM's grievance process; a statement that the parties may have an advisor of their choice; and a reminder of the expectation of truthfulness including consequences for submitting false information. The parties will also be provided with separate written notice of any investigative interview, meeting or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting.

Formal Complaints involving Colleagues may also be referred to Human Resources and simultaneously evaluated under Colleague conduct policies and procedures.

During the investigation, the Office of Equity and Access will select an Investigator to conduct interviews and gather evidence. 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.

### **Informal Resolution**

If the Title IX Coordinator deems appropriate and both parties voluntarily consent in writing, Formal Complaints can be resolved through informal resolution, such as mediation. The Title IX 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 Title IX 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 a student.

### **Live Hearing**

If a report is not resolved informally, RUSM 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, RUSM 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 RUSM'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 RUSM. The Decision-Maker has the authority to enforce decorum.

### **Evidence Limitations**

RUSM 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. RUSM will not access or use a party's medical, psychological, and similar treatment records unless the party provides voluntary, written consent.

### **Standard of Evidence**

For all Formal Complaints of Sexual Harassment (including where Colleagues are Respondents), RUSM utilizes the preponderance of the evidence standard; whether it is more likely than not that the Respondent violated the policy as alleged.

### **Disciplinary Actions**

Disciplinary actions against the Respondent will not be imposed before completion of RUSM's grievance process. Following a determination of responsibility, appropriate corrective action will be taken, and RUSM will take steps to prevent recurrence. Disciplinary actions taken will be determined on a case-by-case basis. Any Colleague determined by RUSM to be responsible for an act of Sexual Harassment will be subject to appropriate disciplinary action, up to and including termination. Colleagues are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process. Remedies for student-related claims may include, but are not limited to, additional training, a restriction on contact, suspension, or termination.

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.

Individuals who make a materially false statement in bad faith in the course of a Title IX grievance process will be subject to RUSM'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.

## **Written Determination**

The Decision-Maker will issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, a description of the procedure from Formal Complaint through the live hearing, disciplinary sanctions imposed on the Respondent and whether remedies will be provided to the Complainant. The determination will be sent simultaneously to the parties along with information on how to file an appeal.

## **Appeal**

Both parties have the right to appeal a determination regarding responsibility, RUSM'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) Title IX personnel had 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. The person ruling on the appeal shall notify in writing the complainant and respondent of the outcome of the appeal. If the appeal is granted, the matter can be remanded to the either the decision-maker or a new panel, as determined to be appropriate by the person considering the appeal) or the conduct administrator for action to be taken in response to the appeal findings. If the appeal is denied, then the decision of the original conduct proceeding is upheld and final.

## **RETALIATION PROHIBITED**

Retaliation (including intimidation, threats, coercion or discrimination) against an individual for raising an allegation of Sexual Harassment, for cooperating in the grievance process is prohibited.

If you believe you have been retaliated against, you should follow the procedures outlined in RUSM's Retaliation Policy located in the Student Handbook and Employee Handbook.

## **TRAINING**

RUSM ensures that its Title IX personnel have adequate training. The Title IX Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of RUSM's education Program or Activity, how to conduct an investigation, RUSM'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 Title IX personnel are posted on RUSM's website and may also be requested directly from the Title IX Coordinator.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act ("Clery Act") and the Violence Against Women Reauthorization Act of 2013 ("VAWA"), RUSM will provide primary prevention and awareness programs to prevent Sexual Assault, Dating Violence, Domestic Violence and Stalking to incoming students and new Colleagues during the fall term.

### **BIAS/CONFLICT OF INTEREST**

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Director of the Office of Equity and Access, Danica Myers, by phone at 872.250.0113 or by email at [equity@adtalem.com](mailto:equity@adtalem.com). Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator.

### **REPORTING 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. RUSM 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. RUSM 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.

### **ADDITIONAL INFORMATION**

Students and Colleagues may contact the Title IX Coordinator with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at <http://www.ed.gov/ocr/>. To the extent that a Colleague or contract worker is not satisfied with RUSM's handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

The OCR National Headquarters is located at:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

## **Primary Prevention and Awareness Programs**

### **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 RUSM 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**

Complainants 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 RUSM community have the option and are encouraged to contact local law enforcement authorities. The criminal process is separate from RUSM's process.

Whenever possible, Complainants 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. Complainants 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 the Complainants 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. Complainants are not required to report an incident to law enforcement authorities, but RUSM will assist the Complainants 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 RUSM leadership, Title IX 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](http://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.

## Resources for Victims

Local Resources can be found in the RUSM's Annual Security Report distributed to each campus community and posted on the Student Consumer Information page of RUSM'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://medical.rossu.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](http://rainn.org)
- **National Domestic Violence Hotline** 1.800.799.7233 (TTY) 1.800.787.3224 [thehotline.org](http://thehotline.org)
- **National Network to End Domestic Violence** [nnedv.org](http://nnedv.org) [womenslaw.org](http://womenslaw.org)  
[Legal information and resources]
- **National Stalking Resource Center** [victimsofcrime.org](http://victimsofcrime.org)
- **Love is respect** 1.866.331.9474 (TTY) 1.866.331.8453 [loveisrespect.org](http://loveisrespect.org)

- **National Suicide Prevention Hotline** 1.800.273.TALK (8255)  
[suicidepreventionlifeline.org](http://suicidepreventionlifeline.org)
- **Americans Overseas Domestic Violence Crisis Center** 1.866.USWOMEN  
(International Toll-Free) [crisis@866uswomen.org](mailto:crisis@866uswomen.org)
- **U.S. Embassy** [usembassy.gov](http://usembassy.gov)
- **Child Welfare Information Gateway** [childwelfare.gov](http://childwelfare.gov)
- **State Statutes Including Mandatory Reporting Laws**  
[childwelfare.gov/topics/systemwide/laws-policies/state](http://childwelfare.gov/topics/systemwide/laws-policies/state)