



**American Academy of Health & Wellness**

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## **To All AAHW Students and Employees: 2023 Annual Campus Safety & Security Report\*\* (Reporting for 2020, 2021, & 2022)**

### **Background:**

All colleges and universities are required by the U.S. Department of Education to provide an Annual Security Report of all instances of specific criminal activity which have been reported on-campus during the previous year, including hate crimes (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, generally called the Clery Act). In 2014, educational institutions were required to include additional disclosures and policy statements to comply with the Violence Against Women Reauthorization Act of 2013 (VAWA). Campus crime surveys document reports of specific types of criminal activities which occur on campus property and adjacent public property (sidewalk and street bordering school property). Each college is required to publish an annual crime report containing the previous three years' worth of crime statistics and distribute it to all students and employees. The crime statistics included in this report cover the years 2020, 2021, and 2022.

Under the Clery Act, the campus crime survey collects data on the reporting of the following criminal activities and incidents: murder/manslaughter, sex offences, robbery, assault, burglary, motor vehicle theft, arson, illegal weapons possession, drug and liquor law violations, and hate crimes. Beginning in 2015, the annual campus crime survey also includes the VAWA-related crimes of domestic violence, dating violence, sexual assault and stalking. **Note that these statistics refer to *reported* criminal activity, and not to the determination of whether or not criminal activity has actually occurred.** Please refer to the table below for the statistical results from AAHW's 2023 crime survey.

*\*\*For AAHW, 2022 was the first full year in which the campus crime statistics reported in the Campus Safety & Security Report applied specifically to the AAHW campus. For 2020, and through April 2021, reported crime statistics applied only to the campus of the American Academy of Acupuncture and Oriental Medicine (AAAOM) at 1925 West County Road B2, Roseville, MN 55113.*

### **Annual Security Report: Content and Electronic Location**

The Annual Security Report (ASR) is published and distributed to all members of the AAHW community no later than October 1<sup>st</sup> of the reporting year. The ASR is posted on AAHW's website: [www.acupunctureschoolusa.com](http://www.acupunctureschoolusa.com), click on "Who We Are" at the top of the Home page, click on "Background" and scroll down the "Background" page to find the link to the ASR. An annual Notification is sent to all students and employees with a link to access the Report. In addition to reporting campus crime statistics, the ASR

provides students and employees with policy, procedure, and information about: campus safety and security; emergency response and evacuation; drug and alcohol awareness; and VAWA-related content including investigations into reports of dating violence, domestic violence, sexual assault and stalking.

**Note: AAHW and Clery Geography**

Educational institutions are required to record crimes by location. The locations included in this requirement are: on-campus; non-campus buildings or property; and public property. AAHW's campus is located in three rooms and two suites on the fourth floor of the Roseville Professional Center (RPC): Suites 432 and 416; Rooms 430, 418, and 411. The RPC is located at 2233 Hamline Ave. No., Roseville, MN 55113. For the purposes of recording crimes, AAHW's campus location consists of its five rooms/suites, as well as the building's public areas of hallways, restrooms, entrance lobby, elevators and stairwells. AAHW does not have non-campus buildings or property, nor does it have direct access to public property (although "public property" statistics are included here because the category applied to AAAOM, and because the Crime Log includes them).

**I. Campus Security:**

**Safety and Security Measures for Students, Staff and Faculty**

- Exercise caution to prevent loss or theft of personal effects. Do not leave valuables unattended. Lockers are available to rent. Student clinic personnel should leave personal belongings in the Intern Conference Room, which is kept locked during the shift.
- Lock your vehicle when it is in the parking lot.
- Be familiar with emergency exit routes from the campus in case of fire or other emergency. There is a stairwell at each end of the corridor, with a red "Exit" sign. (See Emergency Evacuation section, below.)
- **DO NOT TAKE THE ELEVATORS IN THE EVENT OF A FIRE OR SEVERE WEATHER EMERGENCY.**
- In the event of severe weather, take shelter in the basement.
- Report any safety hazards such as icy sidewalks, broken equipment, etc. to school administration or building management in a timely manner.
- Be aware of the school drug and alcohol abuse policy and sexual misconduct policy, below.
- No guns are permitted on campus.
- Students, staff and faculty with symptoms of a communicable disease such as influenza are asked to remain at home until they cease to be contagious. If classes are missed due to illness, students must contact the Registrar as soon as possible so their absence is counted as an excused absence rather than an unexcused absence (refer to AAHW's attendance policy).

**Building Security**

Monday through Saturday, the Roseville Professional Center building doors are locked at 8:00 pm. Building doors are also locked on Sundays and holidays. When the doors are locked, one can exit the building by any of the four building doors, but the building can

only be entered *via* the main door on the south side of the building, near the elevators. Entering the building when the doors are locked requires a code. On campus, offices and classrooms are open during regular school hours. After clinic and classes are over for the day, a faculty member or administrative staff member will lock the doors to campus rooms. Any students who are still on campus will be asked to leave at that time.

### **Reporting Criminal Activity:**

Maintaining a peaceful, crime-free campus requires a co-operative effort on the part of AAHW administrative staff, faculty and students.

AAHW does not have a campus police force. On campus, the Campus Director is the acting Campus Safety Officer (Campus Director: Leila Nielsen; email: [campusdirector@acupunctureschoolusa.com](mailto:campusdirector@acupunctureschoolusa.com)). The Campus Safety Officer is responsible for monitoring and enforcing campus-based safety and security policies and procedures, and is the liaison with the local police agency, the Roseville Police Department. The Roseville Police Department is AAHW's *de facto* campus police force, and can be reached at 651-792-7008. **Students, staff and faculty are asked to immediately report criminal activity or serious incidents such as physical assault or sexual harassment, weapons possession, robbery, etc. by calling 911.** Once the emergency call has been placed, notify the Campus Director or other member of AAHW's administrative staff as soon as possible. All administrative personnel (including faculty members, clinic supervisors, and front desk receptionists) who are on-campus in the event of an emergency situation are responsible for reporting and directing a first response until assistance is provided by police, fire, or medical agencies.

Instances of prohibited behavior or non-violent criminal behavior which do not pose a danger or direct threat to bystanders, such as incidents of alcohol possession, disrespectful classroom behavior, suspected theft, etc. should be reported to the Campus Director to begin appropriate investigative and disciplinary action. Instances of sexual misconduct should also be reported to AAHW's Title IX Officer: Bruce Sun; email: [COO@acupunctureschoolusa.com](mailto:COO@acupunctureschoolusa.com) (see AAHW's Sexual Misconduct reporting options and protocol, below).

### **Emergency Alerts, Timely Warning Notices, and Confidential Reporting**

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees of AAHW, AAHW will initiate procedures to notify the campus community of the emergency in as expeditious a manner as possible. AAHW will, without delay, and taking into account the safety of the community, determine the content of the emergency-situation notification and initiate the notification system, unless the notification will, in the professional judgment of AAHW's responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

AAHW's Emergency Management Team is in charge of confirming a significant emergency situation, determining AAHW's response to that situation, determining the content of any notification sent out to the campus community or wider community in

regard to the emergency situation, and initiating the school's emergency notification system.

Emergency Management Team members:

Chief Operating Officer: Bruce Sun, [COO@acupunctureschoolusa.com](mailto:COO@acupunctureschoolusa.com)

Campus Safety Officer: Leila Nielsen, [Campusdirector@acupunctureschoolusa.com](mailto:Campusdirector@acupunctureschoolusa.com).

Registrar: Tiffany Wang, [Registrar@acupunctureschoolusa.com](mailto:Registrar@acupunctureschoolusa.com)

Notification of Students and Employees in an Emergency Situation:

In the event of an emergency, a member of the Emergency Management Team will send an urgent email alert out through the Orbund system (AAHW's online academic management system) to all students, faculty and staff advising them of the situation and continuing to update the information as necessary. The Registrar checks and confirms student contact information in Orbund every time students submit a registration form, or at student request.

Timely Warning Notices are specifically related to compliance with the Clery Act, which requires colleges and universities to notify students and employees whenever there is a threat that a serious Clery Act crime is ongoing or may be repeated, so that campus community members can protect themselves from harm. The crimes included in the Table of AAHW Crime Statistics, below, are the specific Clery Act crimes which require a timely warning notice to be issued. When a Clery Act crime is reported or confirmed to have occurred on campus, the Emergency Management Team will follow the same procedure that it uses to send out an emergency-alert notice through Orbund.

Voluntary and Confidential Reporting:

AAHW encourages anyone who has witnessed or been a victim of a crime to immediately report the incident. Reporting crimes is important, both in regard to issuing timely warning notices and for inclusion in the annual security report. AAHW recognizes that students who witness or are a victim of Clery-related crimes may be hesitant to report the crime because they do not want to be identified. Insofar as possible, and when issuing timely warning notices, AAHW will respect the privacy of reporting individuals and keep their identity confidential. However, there may be instances where AAHW administrators cannot honor a request for complete confidentiality because of their duty to report serious crimes to law enforcement officials, and in regard to any investigation, hearing, or judicial proceeding which may proceed from a reported crime.

**Table of AAHW/AAAOM Crime Statistics: 2020 – 2022**

Criminal Offense (Reported Crimes)	2020		2021		2022	
	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0

<b>Criminal Offense</b> (Reported Crimes)	<b>2020</b>		<b>2021</b>		<b>2022</b>	
	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Hate Crimes</b>						
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0

<b>Criminal Offense</b> (Reported Crimes)	<b>2020</b>		<b>2021</b>		<b>2022</b>	
	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property
Property destruction/ damage/vandalism	0	0	0	0	0	0
<b>VAWA Offenses</b>						
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<b>Arrests and Disciplinary Action</b>						
*Illegal Weapons Possess.	0	0	0	0	0	0
*Drug Abuse Violations	0	0	0	0	0	0
*Liquor Law Violations	0	0	0	0	0	0
*Statistics pertain to both arrests and disciplinary actions for these crimes.						
<b>Unfounded Crimes</b>	0	0	0	0	0	0

**Availability of Campus Crime Survey and Crime Log in Paper-Based Format:**

When the online Campus Crime Survey is completed, it is downloaded and made available for review in the Campus Security Handbook in the Financial Aid Administrator/Registrar’s office. Students and employees may examine these surveys at any time the office is open, and may request a paper copy of the campus security report from the Financial Aid Administrator or Registrar. (AAAOM surveys completed 2006 - 2020 are also available for review.)

In coordination with the annual Campus Crime Survey report, educational institutions are required to provide a crime log of reported crimes on campus premises. Since AAHW does not have an on-campus security department, crime statistics are obtained from the local police department: the Roseville Police Department. Roseville PD provides a spreadsheet of criminal activities which have been reported at the Roseville Professional Center (RPC) building during the preceding twelve months. This log is also available for inspection by students and employees in the Financial Aid Administrator/Registrar’s office. A list of community resources for victims of crime is also included in the Campus Security Handbook.

**AAHW: Non-Applicable Reporting Requirements**

AAHW does not have on-campus housing, non-campus locations of officially recognized student organizations, or a campus-based security department. Therefore, AAHW is not

responsible for the following Clery Act-related requirements: missing persons reporting; Annual Fire Safety Report; Fire Log; Daily Crime Log.

### **Emergency Response Protocol and Procedures**

The American Academy of Health and Wellness acknowledges the necessity of formulating and implementing emergency response and evacuation procedures, in accordance with the Higher Education Opportunity Act (Public Law 110-315).

Students and employees should be aware that the RPC building is largely constructed of cement, with cement stairwells, and that the building's sprinkler system and other fire-suppression systems are inspected on an annual basis by an independent contractor. The main door of each campus room/suite opens directly onto the main hallway, where a red "exit" sign is visible at each end of the hallway above the stairwell door.

As described above, the Emergency Management Team is in charge of confirming a significant emergency situation, determining AAHW's response to that situation, determining the content of any notification sent out to the campus community or wider community in regard to the emergency situation, and initiating the school's emergency notification system.

As soon as one of the Emergency Management Team becomes aware of a current or potential emergency situation, that person will address immediate dangers by:

- Warning people within earshot to leave the building (or to take cover in the building basement in the event of a severe-weather emergency).
- Calling 9-1-1 or delegating someone to call 9-1-1 immediately if the situation requires intervention by a public agency.
- Taking immediate steps to warn everyone in the campus area in person and/or delegating other people to go to specific campus areas and warn people in those areas.

Notwithstanding the emergency-situation protocol outlined above, in the event of any dangerous situation which presents an immediate threat to the health and/or safety of people on campus, the person who first perceives the threat should take immediate steps to warn or notify everyone on campus and take the initiative to call 9-1-1. On-site administrative personnel should contact any Emergency Management Team members who are not on campus at the time of the emergency situation as soon as possible.

When the immediate measures outlined above have been achieved, or if the dangerous situation is potential rather than immediate, the Emergency Team member on-site will contact and consult with the other members of the Emergency Management Team in regard to an ongoing emergency response. If AAHW students are to be notified *via* Orbund, email, or phone message of an emergency situation, the Emergency Management Team will decide on the content of the message and initiate the notification process. In a situation where public agencies such as news media would be notified, the Emergency Management Team would also decide on the content of information released to outside agencies.

When an emergency-response public agency such as the fire department or police department is on campus or in the Roseville Professional Center building in response to an emergency situation, the Emergency Management Team will fully cooperate with that agency and follow the instructions of public agency personnel. Emergency Team members will assume responsibility for interfacing with AAHW students and employees on behalf of the public agency as necessary.

### **Emergency Evacuation Procedures: Student Clinic**

In the event of a fire, severe weather or other emergency, all patients and staff must be safely evacuated from the clinic. Following are the recommended procedures for evacuating the clinic, detailed by job description:

Faculty Supervisors are responsible for the safety of the Interns and Observers they are supervising, as well as the clinic patients.

- Make sure each clinic student is aware of the emergency situation.
- Remind interns they are responsible for removing needles from their patients, reassuring patients, and escorting patients to safety.
- Monitor students and patients until everyone has followed proper evacuation procedures.

Student Interns are responsible for the safety of their patients.

- Go directly to your patient and reassure the patient while you remove needles and push away heat lamps, etc.
- Decide if your patient is able to follow directions and leave the clinic quickly, or if s/he will need extra help with clothes, etc.
- Help patients with their clothes and belongings, but take the minimum amount of time possible to get the patient organized.
- Give the patient clear directions on how to evacuate the clinic.
- Assist or accompany the patient to the designated safe location.
- If you do not have patients to deal with, you should leave the building by the closest stairwell: west stairwell if in the clinic or student lounge; east stairwell if in the Intern Consultation Room.

Student Observers should be prepared to assist clinic personnel in getting the patients to safety.

- If delegated to a patient by the intern or supervisor, go to the patient's room, reassure them, and wait until the practitioner has removed the needles. Then assist or accompany the patient to the designated safe location.
- If your assistance is not needed, clear the clinic area immediately and proceed to the designated safe location.

Front Desk Receptionists are responsible for directing everyone in the lobby area to the designated safe location.

- Remain calm and give clear directions.
- When your area is clear, proceed to safety.



### Patients with Mobility Issues:

The person who assumes responsibility for conducting a patient with limited mobility to safety should bring the patient to the area of the nearest stairwell. Then ask someone who is evacuating the building to report to emergency personnel that there is a person on the fourth floor who must be assisted down the stairs. Stay with the patient until the patient can be evacuated from the building.

### **Emergency Evacuation Procedures: Classrooms and Offices**

- Individuals in the Student Clinic area and administrative offices, Classroom One, Library, and Student Lounge are to exit by the fire exit door/stairwell at the WEST end of the hall.
- Individuals in Classroom Two, Intern Conference Room, Admissions Office and Faculty Office are to exit by the fire exit door/stairwell at the EAST end of the hall.
- Class instructors are responsible for making sure all the students in the classrooms, library, and student lounge follow evacuation protocol, and for checking that all members of the class are accounted for outside the building.

### **Emergency Evacuation Procedures: General Instructions**

Leave your Belongings: If your personal belongings are not immediately accessible, do not try to retrieve them.

### Evacuation Procedures if there is a Fire:

**Do not take the elevators!** There is an emergency exit stairwell at each end of the building hallway. The stairwell at the west end of the hallway is the closest to the clinic (to your left as you leave the clinic area) and Classroom One and the Student Lounge (to your right as you leave the classroom). However, if the west stairwell seems to have very heavy traffic compared to the east stairwell, you may consider leaving by the east stairwell.

Outside the Building: Once outside of the west-side exit, move into the west-side parking lot. Then pause and gather together as a group. Those who have left by the east-side exit should move quickly to the west side of the building to join other AAHW personnel. Make sure everyone from the clinic or classroom is accounted for. If the situation is determined to be a false alarm, you may re-enter the building and resume your activities. If the situation is serious do not re-enter the building; stay out of the way of emergency personnel and follow their directions.

### Evacuation due to Severe Weather:

**Do not take the elevators!** Take the emergency exit stairwell closest to your location and proceed to the basement level of the building. Remain in the basement until there is an all-clear notice.

### Other Emergency Situation:

- Follow the guidelines for evacuating the building in case of a fire.
- If administrative personnel are issuing directions or guidance, follow those

instructions.

- If a public agency is on the scene, follow their instructions.
- In the absence of instructions, assess where the emergency seems to be occurring and leave the campus area or building in the opposite direction.

### **Campus Security and Evacuation: Informing Students and Employees**

New students and transferring students receive orientation materials which contain AAHW's campus safety and security policies, as well as an electronic copy of AAHW's Student Handbook. Safety and security information and policies are found in Section 6.0 of the Master's Student Handbook and Section 9.0 of the DAOM Student Handbook. Students are required to sign an acknowledgment form stating that they have read and understood the contents of the Handbook. Campus safety policies are also posted in the Student Lounge. New employees receive an electronic copy of the Faculty/Administration Handbook containing safety and security information and policies (Section 6.0), and are required to sign an acknowledgment form stating that they have read and understood the contents of the Handbook.

Every year, AAHW publishes its Annual Campus Security Report on its website by October 1<sup>st</sup>. Students and employees are notified on an annual basis, *via* the "Notification of Availability of Federally-Mandated Information" form, of the availability of the current-year Annual Security Report and how to access it.

AAHW is also required to notify *prospective* students and employees of the existence of the Annual Security Report, the Campus Safety and Security Survey, and the existence and availability of a sex offender registry, and to make a copy of the Survey available to them if they so request. To facilitate this requirement, a copy of the current Notification of Availability of Federally Mandated Information sheet is distributed to prospective students by the Admissions Officer in hard-copy or electronic form, and distributed to prospective employees by the Campus Director.

Emergency evacuation procedures are systematically addressed once a year, in coordination with posting the Annual Security Report, by the Campus Safety Officer or delegated staff member. Because the entire student body is not in the school at one time, and because the clinic area and the school area function differently from each other, it is not in the best interests of the school community to have a one-time testing event once per year. Instead, students and employees are given a verbal orientation to emergency response/evacuation procedures as follows:

- Over a one- to two-week period, the Campus Safety Officer or delegated staff will visit regularly-held, on-campus academic classes to explain the correct evacuation procedures in the event of a fire, severe weather, or unspecified emergency.
- Over a one- to two-week period, all clinic personnel including, supervisors, interns, observers and front desk receptionists will be given an instruction sheet explaining emergency evacuation procedures from the clinic. The Campus Safety Officer or delegated staff will then speak personally to clinic personnel to make sure they understand the instructions and confirm the orientation by obtaining clinic personnel signatures.

- Documentation of emergency evacuation orientation is kept in the Emergency Response and Evacuation section of the Campus Security Handbook.

AAHW's security policies and annual evacuation drills are designed to reinforce students' and employees' awareness that they are responsible for their own personal belongings and safety, and also that the safety and well-being of their fellow students and clinic patients depend on all members of the campus community being aware of their surroundings and acting together.

### **Emergency Response and Evacuation Procedures 2023:**

Clinic emergency evacuation instruction was conducted from September 16 – 22, 2023. Clinic personnel were individually oriented to the emergency evacuation procedure for the clinic as a whole, and in regard to their specific response as a student intern, student observer, or clinic supervisor.

Classroom emergency evacuation instruction was conducted from September 16 – 21, 2023. A member of the Emergency Management Team visited the on-campus classes and verbally oriented the students and instructors to the evacuation protocols.

## **II. Drug and Alcohol Awareness: Policies and Prevention**

In compliance with the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), the American Academy of Health and Wellness (AAHW) is committed to promoting an educational and workplace environment which ensures that students and employees can learn, work and develop to their full potential. The use and abuse of alcohol and other controlled substances has a negative impact on the ability of students and employees to learn and work to their full potential. In recognition of this fact, AAHW has implemented and will enforce the following drug- and alcohol-free campus policies. This guide also contains information on the health risks associated with the use of controlled substances and provides a list of community resources available to students and employees who may wish to seek help.

### **Drugs, Alcohol Prohibited:**

AAHW is committed to maintaining a drug-free environment for its students. In compliance with state, federal and local law, AAHW prohibits the unlawful possession, use, distribution, sale or manufacture of alcohol, controlled substances, or illicit drugs on school property or as part of any institutionally-authorized activity. Consumption or display of alcoholic beverages or controlled substances is prohibited on school property. The Roseville Professional Center building management also has restrictions against the consumption or sale of controlled substances in the building or parking lot. Alcohol may not be served to, consumed, or possessed by anyone under the age of twenty-one.

### **Exceptions:**

Drugs prescribed by a physician, dentist, or other person licensed to prescribe or dispense controlled substances or drugs used in accordance with their instructions are not subject to this policy. Students and staff using any substances, drugs, or medicines that cause drowsiness or other side effects that may impair their ability to perform in a school-

related or classroom setting are obligated to inform a school administrative officer or faculty member of such medication use. The exception to prescribed drugs does not extend to the medically-approved use of cannabis. Cannabis use is not allowed on campus in any form, whether for recreational or medical purposes.

Liquids containing alcohol are permitted to be used by faculty members, or by students under the supervision of faculty members, when they are being used for instructional purposes in a classroom setting to demonstrate the processing of medicinal herbs in accordance with traditional Chinese medicine principles.

**Tobacco:**

The use of tobacco products is not permitted in the campus building. Tobacco products may be used outdoors, in areas designated for smoking. AAHW's Student Clinic can provide acupuncture treatments for smoking cessation.

**Disciplinary Actions:**

Students who violate federal or state laws concerning drugs or alcohol are subject to criminal prosecution.

The unlawful possession, use, distribution, sale or manufacture of alcohol or controlled substances on AAHW premises will constitute grounds for dismissal from the program (students) or termination of employment (employees). Illegal violations will be reported to local law enforcement (referral for prosecution).

Any student or employee under the influence of drugs or alcohol while on AAHW premises will be subject to discipline, up to and including dismissal from the program or termination of employment.

Disciplinary action may be altered or reduced if the student or employee agrees to an alcohol/drug assessment by a state-approved agency, conducted by a certified alcohol/drug abuse counselor, and follows the counselor's recommendations. AAHW must be provided with documentation that a prescribed course of treatment has been successfully completed. Any counseling and treatment costs related to this policy shall be the responsibility of the student.

**Legal Sanctions for Drug- and Alcohol-Related Offenses:**

Drug Offenses

Under Federal Sentencing Guidelines, a first-time offender for unlawful possession of a controlled substance can be sentenced to up to six years in prison. A sentence of life imprisonment can result from a conviction for possession of a controlled substance that results in death or bodily injury. Possession of more than five grams of cocaine can trigger an intent-to-distribute penalty of 10 to 16 years in prison. USSG, s. 2D2.1(b)(1). Additional federal sanctions include forfeiture of property; forfeiture of vehicles, boats or aircraft used to transport or conceal a controlled substance; denial of federal benefits and revocation of licenses.

Under Minnesota Law, penalties vary with the amount of the drug confiscated; the type of drug found; the number of previous convictions; and intent to manufacture, sell or use the drug. For example, possession of three grams of cocaine can result in a fine up to \$250,000 and a prison term up to 20 years.

#### Driving While Impaired (DWI)

In Minnesota, any driver whose alcohol concentration is .08 or higher may be convicted of DWI. Minnesota Statute 169A.20. In addition, a driver can be convicted of DWI even if his/her alcohol concentration is under .08. or if he/she is found to be under the influence of a controlled substance. Minn. Stat. § 169A.20. Police use observation, sobriety testing, and alcohol concentration level to determine whether a driver is under the influence. A person convicted of DWI may be sentenced to a misdemeanor, gross misdemeanor or felony. Depending on the circumstances of the case, the driver's alcohol concentration, and the number of prior offenses, a driver can be sentenced to probation, jail time for 30 days or more, or prison for one year or more. Additional consequences include revocation of the driver's license, community service, mandatory drug treatment, and anger management counseling. Under Minnesota law, it is also a crime to refuse to submit to chemical testing of the person's blood, breath or urine. Minn. Stat. §169A.20.subd. 2.

#### Violations by Persons Under 21

Minnesota law prohibits the consumption, possession, and purchase of alcohol by anyone under the age of 21. Minn. Stat. §340A.503. Furthermore, it is illegal for any person under the age of 21 to sell or provide to others alcohol or to enter an establishment that sells alcohol with the purpose of purchasing alcohol or to enter such an establishment by misrepresenting his/her age. Minn. Stat. §340A.503

#### Social Host Liability

Social host liability means that anyone over 21 who knowingly serves alcohol to someone under 21 may be held civilly liable for any damages subsequently caused by that person. Minn. Stat. §340A.90, subd. 1.

#### **Associated Health Risks:**

There are risks associated with the chronic use of all psychoactive drugs, including alcohol. Acute or "experimental" use of drugs can result in a range of adverse health effects from nausea and anxiety to coma and death. Described below are some of the health effects of alcohol and other drugs. Please note special cautions:

- The extent and the likelihood of negative side effects increase significantly if drugs are used in combination (including alcohol or over-the-counter medications).
- A pregnant woman who uses alcohol, cigarettes or other drugs exposes her fetus to serious risks, such as miscarriage, low birth weight or brain damage.
- The frequent use of any drug increases the likelihood of becoming dependent.
- There is a significant risk of being infected with the virus that causes AIDS or other diseases for those who inject drugs and share needles.

Alcohol is the drug most frequently abused on college campuses and in our society. Even small amounts of alcohol can significantly impair the judgment and coordination required to safely drive a car. The consumption of alcohol also increases the incidence of aggressive acts, including acquaintance rape, spousal and child abuse, and property damage. Moderate to large amounts of alcohol can severely impair one's ability to learn and remember information. Because alcohol acts as a depressant on the central nervous system, it can increase feelings of depression or suicide. In very large amounts it can cause respiratory and cardiac failure, resulting in death.

Marijuana has been found to impair short-term memory and comprehension. Hours after the feeling of getting high fades, the effects of marijuana on coordination, perception and judgment remain. Marijuana is the second most frequent drug (after alcohol) found in the blood of individuals involved in fatal accidents. An overdose may bring on paranoia, panic attacks or other psychological problems. Chronic use has been associated with lung damage, abnormalities in the reproductive system and decreased motivation.

Stimulants, including cocaine and amphetamines, can cause anxiety, panic attacks, agitation, high blood pressure, irregular heartbeat, chronic sleeplessness and hallucinations. Cocaine and crack cocaine are extremely dangerous and can rapidly cause addiction. An overdose can result in seizures and death. Hallucinogens such as LSD, MDA, PCP (angel dust), mescaline, and peyote can cause powerful distortions in perception and thinking. Intense and often unpredictable emotional reactions can trigger panic attacks or psychotic reactions. Some hallucinogens can cause heart or lung failure. Inhalants can cause nausea, headaches, irregular heartbeat and damage to lungs, bone marrow, kidneys and liver. Sudden death can occur due to brain and heart damage.

Narcotics such as heroin, codeine, morphine and opium are highly addictive. Overdose may lead to convulsions, coma or death.

Tobacco use is associated with more deaths than all other drugs combined. Nicotine increases heart rate and raises blood pressure. Long-term effects include emphysema, bronchitis, heart disease, and lung cancer.

### **Resources for Alcohol/Drug Treatment:**

#### National:

Substance Abuse & Mental Health Services Administration (SAMSA)

[www.samhsa.gov](http://www.samhsa.gov)

24-hour helpline: 1-800-662-HELP (4357)

American Addiction Centers: 866-786-1691

[www.americanaddictioncenters.org](http://www.americanaddictioncenters.org)

#### Twin Cities:

Alcoholics Anonymous (24 Hours)

St Paul: 651-645-4005

Minneapolis: 763-781-5102

[www.aa.org](http://www.aa.org)

Narcotics Anonymous

Meeting locations: 800-407-7195

24-hour helpline: 866-458-5077

[www.na.org](http://www.na.org)

Tubman Chrysalis Center  
(women only)  
4432 Chicago Ave S, Minneapolis  
612-870-2426

Hazelden Betty Ford Foundation  
11505 36<sup>th</sup> Ave. No., Plymouth, MN  
877-803-1520

Fairview Recovery Services  
606 24<sup>th</sup> Ave. So, Ste. 700, Minneapolis  
612-672-6600

Twin Town Treatment Center  
1706 University Ave. W, Saint Paul  
651.645.3661

For more information about drug use and prevention, visit the National Institute for Drug Abuse website at: [www.nida.nih.gov](http://www.nida.nih.gov)

### **Drug/Alcohol Awareness and Prevention:**

In compliance with the provisions of the Drug Free Schools and Communities Act Amendments of 1989 and the Drug-Free Workplace Act of 1988, the American Academy of Health and Wellness (AAHW) is committed to promoting an educational and workplace environment which discourages the use of drugs and alcohol and ensures that students, administrators and employees can learn, work and develop to their full potential.

#### Student Drug and Alcohol Awareness:

To fulfill the requirements of the Drug Free Schools and Communities Act, AAHW has generated an informational handout: "Promoting an Alcohol and Drug-Free Campus: A Resource and Policy Guide for Students." This handout is available to students in the following formats:

- As an appendix item attached to the PDF-format Student Handbook which is sent to each new student.
- As part of the Annual Security Report, published by October 1<sup>st</sup> each year.
- As a separate link on AAHW's website: [www.acupunctureschoolusa.com](http://www.acupunctureschoolusa.com)

The current-year Notification form is distributed to all matriculating students during the new-student orientation process.

There is also a somewhat abbreviated version of AAHW's Drug and Alcohol policy in Section 5.10.5. of AAHW's Student Handbook, with a reference to the complete website text.

#### Employee Drug and Alcohol Awareness:

To fulfill the requirements of the Drug-Free Workplace Act of 1988, AAHW has generated an informational handout: "Promoting an Alcohol and Drug-Free Workplace: A Resource and Policy Guide for Employees." This handout is distributed to all AAHW employees including faculty members and administrative personnel:

- Annually, by October 1<sup>st</sup>;
- To all new AAHW employees who are hired/employed after the annual distribution.

In compliance with the terms of its Program Participation Agreement with the United States Department of Education (DOE), AAHW undertakes to notify the USDE, in writing, within 10 calendar days of receiving notice that an employee has been convicted for a violation of a criminal drug statute occurring in the workplace. AAHW will send this notification to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington D.C. 20202. The notice will include the employee's job title/position.

AAHW also undertakes to take appropriate action against such a convicted employee, up to and including termination. AAHW may also require such an employee to participate in an approved drug rehabilitation program.

Implementation:

Annual distribution of drug and alcohol awareness information to students and employees, and distribution of drug and alcohol awareness information to new students and employees, is the responsibility of the Campus Director. The Registrar, Admissions Officer, or other administrative staff may distribute said material under the direction of the Campus Director. Drug and alcohol awareness material may be distributed to new or matriculating students by the Admissions Officer, Financial Aid Administrator, or Registrar under the direction of the Campus Director.

The school President, Chief Operating Officer, Campus Director, and Academic Dean may all be involved in disciplinary action against an employee or a student who violates drug and alcohol policy. Students who feel they have been unfairly disciplined due to AAHW's drug and alcohol policy are free to follow the student grievance procedure outlined in Section 5.28. of AAHW's Student Handbook.

The President, C.O.O. or Campus Director will be responsible for notifying USDE within the required timeframe regarding any employee who is convicted of violating a criminal drug statute.

AAHW undertakes to conduct a biennial review of its alcohol and drug prevention program and report on this review. Since AAHW began its operations in 2021, this review will be conducted in odd-numbered years.

### **III. Sexual Misconduct: Policy, Procedure, & Programs in Regard to Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

With the Violence Against Women Reauthorization Act of 2013 (VAWA) Congress stepped up efforts to mitigate campus-based incidents of sexual assault, domestic violence, dating violence, and stalking by requiring institutions of higher education to clearly define their response to student reports of such incidents, and to implement policies and procedures outlining the institutions' responsibilities in these cases.



AAHW's small student body, average age of students (44), ratio of female to male students (3:1), and restricted campus size tend to mitigate the opportunities for on-campus sexual misconduct as defined under VAWA. That said, AAHW takes sexual misconduct crimes seriously, and in no way minimizes the necessity to address these crimes. AAHW students are encouraged to read the following material carefully, both for their own awareness and safety, and for the sake of their fellow students, friends, associates, and family members.

### **Definitions of Relevant Terms:**

#### Relationship Violence: Domestic Violence and Dating Violence:

Domestic violence consists of abusive behavior that is used by an intimate partner to gain or maintain power and control over the intimate party and can take the form of assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Dating violence is violence committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

#### Sexual Assault:

Sexual Assault is defined as non-consensual, or abusive sexual advantage of another person or a non-consensual sexual touching (fondling) or intentional unwanted touching of any body parts. Sexual assault includes: forcible fondling; rape; incest; sexual assault with an object; forcible sodomy; statutory rape.

#### Stalking:

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress. Stalking includes the concept of cyber-stalking, a particular form of staking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

#### Sexual Harassment:

In addition to the above, sexual harassment includes: making unwelcome sexual conduct the condition for any benefit, such as employment or a good grade; unwelcome conduct determined by a reasonable person to be so severe, pervasive, and offensive that it denies the victim equal access to a class, program or activity.

#### Consent:

Consent means freely given words or actions that indicate an agreement to participate in sexual activity. A person can withdraw consent at any time. There is no consent when a person submits to sexual activity due to the use of force or threats of force, intimidation, or duress. A person's lack of verbal or physical resistance or manner of dress does not constitute consent. Consent to a past sexual activity does not constitute consent to future sexual activity. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent to

sexual activity if the person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances including without limitation the following:

- The person is incapacitated due to the use or influence of alcohol or other drugs;
- The person is asleep or unconscious;
- The person is under the legal age to provide consent;
- The person has a disability that prevents such person from having the ability or capacity to give consent.

#### Retaliation:

Any action or attempted action taken by an accused individual or a third party against any person because that person opposed any practices forbidden under the sexual misconduct policy or because that person filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding. This includes action taken or attempted against a bystander who intervened to stop or attempt to stop sexual misconduct. “Retaliation” includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s good faith complaint or participation in the complaint process.

#### **Sexual Misconduct Prohibited:**

AAHW prohibits any act or instance of sexual misconduct on its campus, by any student, employee, or other individual (“sexual misconduct” implies the lack of consent). AAHW also prohibits retaliation in any form against a reporting individual, witness, or bystander who was involved in the reported incident.

#### **Procedures for Victims of Sexual Misconduct:**

##### The Importance of Preserving Evidence:

It is important that victims of sexual assault take steps to preserve and collect evidence. This preserves the full range of options available to a victim, from administrative complaint procedures to criminal prosecution. To preserve evidence: (1) do not wash face or hands; (2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present during the assault, or use the restroom; (6) seek a medical exam immediately; (7) preserving evidence includes text messages, social media postings, photos taken of injuries, or notes that demonstrate the course of conduct. Victims who have already cleaned up from an assault can still report the crime and seek medical or counseling treatment.

#### **Reporting Sexual Misconduct:**

Victims of sexual misconduct may report the alleged offence to:

- The Roseville Police Department (the local law enforcement agency) 651-792-7008, or other law enforcement agency;
- AAHW’s Title IX Officer (Bruce Sun; [COO@acupunctureusa.com](mailto:COO@acupunctureusa.com));
- The Roseville PD or other law enforcement agency and the Title IX Officer.
- Victims also have the option to decline to notify any authority in connection with the offense.

Victims who do not report a crime to authorities at the time, but decide to do so later should be aware that a lapse in time means that the ability to gather evidence to assist in a criminal prosecution may be limited. Victims have the right to have a friend, family member, advocate, or other representative present when reporting an offense or during a rape examination. AAHW's Title IX Officer will facilitate or support complainants in reporting a crime to a law enforcement agency.

**Privacy and Confidentiality:**

AAHW cannot offer complete confidentiality in regard to reporting a sexual misconduct crime: true confidentiality can only be offered by physicians, therapists, professional counselors, etc. AAHW's Title IX Officer and other administrators have a duty to report crimes to law enforcement agencies if they conclude that such reporting is required. If AAHW is unable to honor a request for confidentiality, AAHW will take all measures possible to preserve the complainant's privacy. The Title IX Coordinator will notify the complainant of the decision and ensure that complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation. The complainant's name will not be included in any Timely Warning Notice released by AAHW or in the Annual Security Report's crime statistics. If the Title IX Officer decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, he will evaluate whether other measures are available to limit the effects of the reported incident and prevent its recurrence, and implement any feasible measures.

AAHW provides the following statement to complainants: "AAHW's Title IX Officer cannot guarantee confidentiality, but will maintain your privacy to the greatest extent possible. The information you provide will be relayed only as necessary for the Title IX Officer to investigate and/or seek a resolution."

**Protective Measures for Complainants & Available Victim Services:**

Students who have been the victim of criminal activity on campus property may request assistance or accommodation from AAHW administration, whether the criminal activity has been reported to the police or not, and whether any disciplinary action has been taken against an accused party or not. AAHW offers the following accommodations to students who have been victims of on-campus criminal acts and violence, and will provide written notice of these options to victims of sexual misconduct:

- Students who feel unsafe in one or more of their academic classes may request an independent-study option to complete a class. In such a case, AAHW will waive its Independent Study fee.
- Interns or externs in the AAHW Student Clinic may refuse to treat a patient who is perceived as a threat to the student.
- Students who work on campus property may request AAHW administration to intervene in a situation which they perceive as dangerous or threatening to themselves or others.
- Students may request an escort by an AAHW administrator to a vehicle which is parked in the parking lot of the Roseville Professional Center building.
- If necessary for the well-being of the complainant, and if the respondent is still attending classes, AAHW will make every effort to arrange the class schedules of

- the complainant and respondent to ensure that they do not come in direct contact on campus.
- If the complainant has obtained a legal Harassment Restraining Order (HRO), AAHW will abide by the terms and conditions of the HRO.
  - If the Title IX Officer or other school administrator determines that there is sufficient evidence that the respondent poses an ongoing threat to the complainant and/or other members of the community, the respondent will be suspended from class attendance and barred from school-related activities until the investigative process has concluded and any disciplinary measures against the respondent have been imposed.

Sexual Violence Resources:

AAHW does not employ pastoral or professional counselors. AAHW's Title IX Officer will supply the following list of community resources to victims of sexual misconduct:

National and Minnesota hotlines & websites:

- National Sexual Assault Hotline: 877-995-5247 (24-hour)
- National Domestic Violence Hotline: 800-799-SAFE (24-hour); 800-787-3224 (TDD).
- Minnesota Domestic Violence Crisis Line: 1-866-223-1111 (24-hour) (referral; crisis intervention; shelter)
- Minnesota Coalition Against Sexual Assault: Rape Help MN website: [www.rapehelpmn.org](http://www.rapehelpmn.org)
- Minnesota Department of Health Sexual Violence Prevention Program: 651-201-5484; <http://www.health.state.mn.us/svp/>

Twin Cities Organizations:

Minnesota Coalition for Battered Women:  
60 East Plato Blvd., Suite 130, St. Paul, MN 55107  
1-866-223-1111 (24-hour); <http://www.mcbw.org/>

SOS Sexual Violence Services:  
555 Cedar Street, St. Paul, MN 55101  
651-266-1000 (24-hour); [www.sosramsey.org](http://www.sosramsey.org)

The Sexual Violence Center:  
2600 E. 25<sup>th</sup> Street, Suite C, Minneapolis, MN 55406  
612-626-9111 (24-hour)  
(Serving Hennepin, Carver, and Scott Counties, but all are welcome.)

Tubman Center – East Metro:  
1725 Monastery Way, Maplewood, MN 55109  
651-789-6770; <http://www.tubman.org/>

Minnesota Indian Women's Sexual Assault Coalition:  
1619 W. Dayton Ave. #303, St. Paul, MN 55104

651-646-4800; [www.miwsac.org](http://www.miwsac.org)

### **Sex Offender Registry:**

AAHW publishes the following information regarding the Sex Offender Registry in its Student Handbooks, Faculty & Administration Handbook, orientation materials for new students and employees, and in the Annual Security Report:

The Roseville PD maintains a Sex Offender Registry of convicted sex offenders who may be living or working in Roseville. Students and employees may contact Roseville PD at 651-792-7008 or [www.cityofroseville.com](http://www.cityofroseville.com) to obtain information in regard to sex offenders who may be enrolled or employed at AAHW. The Minnesota Bureau of Criminal Apprehension administers a predatory offender registration and tracking program: phone: 651-793-7070; website: [dps.mn.gov/divisions/.../Pages/predatory-offender-registration.aspx](http://dps.mn.gov/divisions/.../Pages/predatory-offender-registration.aspx).

### **Risk Reduction Measures:**

Risk Reduction includes, but is not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, including recognizing the dangers of drug and alcohol use, the importance of communication with trusted friends and family, and the availability of community resources.

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- Walk with a friend, especially at night.
- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

### **Bystander Intervention:**

Every situation is different and there is no universal response when intervening to prevent sexual violence. Safety is the key in deciding when and how to respond to sexual violence. Every person must decide for themselves the safest and most meaningful way to become an engaged bystander. The following are ideas on how one can maintain safety while being an engaged bystander:

- If you witness sexual violence, get support from people around you. You do not have to act alone.

- Practice with friends and family about what you would say and how you would say it.
- When intervening, be respectful, direct, and honest.
- If the offender is known to you, ask them to leave the potential victim alone.
- If you see or hear something and you do not feel safe, call 911 instead of putting yourself in danger.
- Remain at the scene as a witness instead of leaving. The perpetrator will be less likely to commit the assault with a witness there.

### **Investigating Allegations Sexual Misconduct:**

AAHW's Title IX Officer will investigate allegations of sexual misconduct thoroughly and promptly when a formal complaint is filed, and follow a fair and impartial process. Even if there is no formal complaint, the Title IX Officer could decide that the circumstances warrant an investigation if an allegation of sexual misconduct against a student or employee affects the safety of the campus community. The objective of an investigation is to gather information, facts, and evidence from all parties involved in the complaint, including the complainant, respondent, and any witnesses. When the investigation and report are complete, the Title IX Officer will present his findings to a Sexual Misconduct Review Committee made up of the Title IX Officer, the school President, and the Campus Director for a private review and discussion. The findings will then be presented simultaneously, in written form, to both the accuser and the accused, and any further formal proceedings in respect to the complaint will follow the procedures and requirements of the Clery Act. The investigative process, resulting in a final report being sent to the involved parties, should not take longer than 45 days, although it could be completed in less time if the parties involved do not require a lengthy review of evidence process.

### **Discretionary Dismissal of the Investigation Process:**

Formal complaints alleging sexual misconduct may be dismissed if the complainant withdraws the complaint, if the complaint occurs more than 180 days after the alleged incident, or if the circumstances are outside the scope of the Title IX Officer. The Title IX Officer may dismiss a formal complaint in regard to sexual misconduct if any of the following apply during the investigation or formal hearing process:

- A complainant notifies the Title IX Officer in writing that they are withdrawing their complaint and any allegations raised in the complaint;
- The respondent is no longer enrolled at or employed by AAHW;
- The alleged incident occurred more than 180 days previous to the complaint;
- If specific circumstances prevent AAHW from gathering evidence sufficient to reach a determination regarding the complaint or allegations.

### **Standards of Evidence:**

To determine if a criminal action has taken place, AAHW requires confirmable evidence, such as emails or voicemails from the respondent to the complainant, or third-party eyewitness confirmation of criminal actions. In the case of violent actions reportable to a law enforcement agency, AAHW will use the standards of evidence used and set forth by the law enforcement agency in any institutional proceeding arising from such a report. If

a law enforcement agency is involved, AAHW will abide by standards of evidence used by the law enforcement agency to determine whether there is sufficient evidence against an accused perpetrator to warrant institutional actions such as dismissal from the program or termination of employment.

**The Formal Process:**

Following is a description of the formal process involved in conducting an institutional investigation into allegations of sexual misconduct, including: filing a complaint; the investigative process; hearings; appeals; disciplinary measures.

Filing a Formal Complaint:

The timeframe for the Sexual Misconduct Process begins with the filing of a formal complaint. To file a formal complaint, a complainant must provide the Title IX Officer with a written, signed complaint describing the facts alleged (an emailed complaint is acceptable). Complainants must be enrolled students (or in the process of enrollment) at AAHW to be eligible to file a formal complaint, or be an employee of AAHW. If the complainant does not file a formal complaint, but the Title IX Officer determines that an investigative process is necessary, AAHW will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this process.

Investigation Process:

If a formal complaint falls within the scope and definition of a sexual misconduct incident, the Title IX Officer will notify the accused party (respondent), stating the existence of a formal complaint, the participants in the incident, and the date, place, and circumstances involved in the complaint, and requesting the respondent to schedule an interview with the Title IX Officer. The Title IX Officer will send a notification to both the complainant and the respondent which informs them about the formal investigative process. The notification states that they both have the equal right and opportunity to: be interviewed; submit written statements; provide the names and contact information for potential witnesses and/or expert testimony or to submit written statements from these witnesses; submit any other evidence for consideration; be accompanied by an advisor or assistant of their choice to any interview or meeting related to the investigation (but must bear the cost of any such advisor). Both parties will be given a minimum of two days to schedule and prepare for an interview with the Title IX Officer. The parties may request additional preparation time, but the Title IX Officer may not grant extensive preparation time in the interests of conducting a prompt and timely investigation. Either before or after interviewing the involved parties or witnesses, the Title IX Officer may require that they submit a written statement which includes the relevant information contained in their verbal testimony.

It is the responsibility of the Title IX Officer to gather evidence and determine whether or not a violation of AAHW's student conduct and/or sexual misconduct policies has taken place. Either the respondent or the complainant, or both, may decide not to participate in the Title IX Officer's investigation or subsequent hearing. In that case, the Title IX Officer is still required to make a determination, although the final determination may be

that there is not sufficient evidence to arrive at a confirmation or refutation of the allegations.

Barring unforeseen difficulties, the Title IX Officer shall have up to two weeks following the formal complaint to gather and review evidence, and draft a preliminary report. At that point, the Title IX Officer will make the evidence gathered available to the parties (and advisors, if any) for their inspection and review. The parties will be allowed ten business days to inspect and review the evidence and submit a written response to the Title IX Officer, who will consider the parties' written responses before completing the investigative report. The parties may request an extension to respond, but the Title IX Officer is not required to accept late submissions. Unless the Title IX Officer requires further time to gather or review additional evidence, the Title IX Officer will consider any submissions from the parties and complete his final report within ten days. The Sexual Misconduct Review Committee shall meet to review the report within three days of completion, and authorize its release to the parties. The Title IX Officer then sends the final report, simultaneously, to both parties.

If the final report contains a determination of culpability or sanctions against one or both of the parties, information is included which informs the parties of their right to participate in a hearing and appeal process.

#### Disciplinary Sanctions:

The final report will contain a determination of whether or not the respondent violated AAHW's student or employee professional conduct and/or sexual misconduct policies. The final report will also contain a determination of any disciplinary sanctions to be enforced by AAHW against the respondent. Disciplinary sanctions can include, but are not limited to:

- Enforcement of a "no-contact" policy between the complainant and respondent which may involve adjustment of one or both parties' academic schedules, or the requirement for the respondent to take classes on an Independent-Study basis (student/employee);
- Suspension from attendance for a stated period of time (student);
- Dismissal from the program (student);
- Termination of employment (employee);
- Recommendation for prosecution by a law enforcement agency.

#### Hearing:

If the parties voluntarily accept the findings of the investigative report in regard to culpability or responsibility, and the sanctions imposed, if any, the investigation process will be resolved. If one or both parties do not agree to resolve the complaint, a live hearing will be held allowing both parties to participate equally (a "live" hearing can be conducted in person or *via* Zoom). The hearing will be recorded, and may be reviewed by the parties and/or their advisors, but will not be released to the parties. The hearing recording and/or a transcript of the recording will be kept private by the hearing committee unless it is requested by a law enforcement agency for an investigative process in regard to the misconduct incident.



The live hearing will be conducted by a hearing committee composed of the President, Campus Director, and a chosen faculty member, and they will be responsible for determining the outcome of the hearing. A notice for the formal hearing will be issued to the complainant and respondent including place, date, time, and participants. The complainant and respondent may have an advisor present, and may request witnesses to attend. The complainant and respondent will not interact directly with each other, but will interact with members of the hearing committee, or will be represented by their chosen advisor. Attendees at the hearing are expected to follow rules of decorum, and may be expelled from the hearing for disruptive or abusive behavior.

The determination of the hearing committee in regard to culpability and sanctions will be issued simultaneously, in writing, to the complainant and respondent within two weeks of the hearing.

Appeal:

The complainant and respondent have the right to appeal the outcome of the hearing, and must submit an appeal within two weeks of the issuance of the hearing committee's written determination. The hearing committee will inform the other party of the appeal and the basis for the appeal. The hearing committee or a designated member will review the investigatory evidence and the recording of the hearing, re-interview the parties as necessary, and examine any further evidence or witness statements. The hearing committee or appointed designee may confirm the hearing results, or may modify the imposed sanctions in light of further consideration. A letter detailing the decision of the hearing committee or designee, and the reasons for upholding or modifying the hearing determination, will be issued to the complainant and respondent within two weeks of any final interview with a party or witness. There is no further appeal to this decision.

**The Clery Act: Prevention and Awareness**

New students and transferring students receive orientation materials which include Clery training and policies, as well as an electronic copy of AAHW's Student Handbook. The Clery training and orientation handout to new students and employees, and the annual security report, provide the required definitions of crime and consent, give information on reporting crimes, risk prevention, the importance of preserving evidence, bystander intervention, confidentiality, institutional options provided to crime victims, and disciplinary action.

Information and policy in regard to sexual harassment policy, VAWA-related policy, professional conduct, and the sex offender registry is located in the Master's Student Handbook, Sections 5.10.6, 5.10.7, 6.5, & 6.6. The DAOM Student Handbook includes this information in Sections 8.5, 8.6, 9.5, 9.6, & 9.7. Students are required to sign an acknowledgment form stating that they have read and understood the contents of the Handbook.

New employees receive an electronic copy of the Faculty/Administration Handbook containing Clery-related material in Sections 1.5, 4.2, 4.3, 4.4, 6.3, & 6.6., and are

required to sign an acknowledgment form stating that they have read and understood the contents of the Handbook.

Every year, AAHW publishes its Annual Campus Security Report on its website by October 1<sup>st</sup>. Students and employees are notified on an annual basis, *via* the “Notification of Availability of Federally-Mandated Information” form, of the availability of the current-year Annual Security Report and how to access it. The current-year Notification form is distributed to all matriculating students during the new-student orientation process.