

UMAE's *Sexual Harassment*  
*Prohibited by Title IX* Policy

(2020 Title IX Policy)

Revised July 19, 2024

# Why are you being trained?

- You are in a position that could involve serving a role in carrying out UMAE's *Sexual Harassment Prohibited by Title IX* policy. You may be:
  - The Title IX Coordinator or an Associate Title IX Coordinator.
  - A potential investigator of a report of Sexual Harassment under Title IX.
  - A potential decision-maker as to the outcome of an individual Title IX proceeding, either at a hearing or on appeal.
  - A potential informal resolution facilitator.
  - A potential UMAE-provided advisor to a party involved in a Title IX proceeding.
  - A Campus Director.
- Depending on your role, you may receive additional training as well.

# What is Title IX?

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- Title IX is a federal law that prohibits people from, on the basis of sex, being excluded from participation in, being denied the benefits of, or being subjected to discrimination (including harassment) under any educational program or activity receiving federal funds.
- For UMAE's institutions, the receipt of Title IV funds triggers Title IX coverage.
  - Ultimate Medical Academy
  - Nasium Training (unless conducted wholly from separate entity)
  - American Institute



# Title IX timeline

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- Prior to August 14, 2020, the U.S. Department of Education (“ED”) had no regulation to implement Title IX. Instead, it issued sub-regulatory guidance – including the seminal 2011 Dear Colleague Letter – advising institutions of its expectations for, among other things, investigations of sexual discrimination and harassment complaints.
- The Trump administration rescinded the 2011 Dear Colleague Letter and issued ED’s first set of Title IX regulations effective August 14, 2020.
- The Biden administration underwent negotiated rulemaking and published a new and significantly altered Title IX regulation that was to become effective August 1, 2024.



# Current legal challenges

- About half of the states filed lawsuits challenging the new Title IX regulations.
- In some of those cases, the courts issued preliminary injunctions preventing ED from enforcing the new regulations until the court decides whether the new regulations are valid.
- This training is on UMAE's Title IX policy in place **prior to** the new regulations. If you are receiving this training, you are in a jurisdiction covered by an injunction that prevents ED from enforcing the new regulations.
  - If new regulations are put in place, you will be trained on any changes to UMAE's policies.



# Who's who in a Title IX proceeding

- The parties
  - Complainant: the alleged victim(s) of the alleged misconduct
  - Respondent: the individual(s) being accused of misconduct
- Title IX Coordinator
  - The individual ultimately responsible for overseeing UMAE's compliance with Title IX
  - Can receive Title IX reports
- Reporter
  - Someone other than a Complainant can bring a Title IX situation to UMAE's attention, but only a Complainant or Title IX Coordinator can bring a Formal Complaint.
- Associate Title IX Coordinators
  - May receive Title IX reports
  - May serve on hearing panel if not involved in investigation
  - May investigate if not serving on hearing panel
  - May facilitate informal resolution
- Investigators
  - May facilitate informal resolution
  - Cannot serve on a hearing panel or otherwise be a decision-maker
- Hearing panel members (including a chairperson)
- UMAE-provided advisors
- Appeal decision-makers
- Campus Presidents
  - May receive Title IX reports

# Definition of Sexual Harassment

UMAE's *Sexual Harassment Prohibited by Title IX* policy defines "Sexual Harassment" as conduct on the basis of sex that satisfies one or more of the following:

- **Quid pro quo:** a team member conditioning the provision of an aid, benefit, or service from UMA on the complainant's participation in unwelcome sexual conduct;
- **Hostile environment:** unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies the complainant equal access to a UMA Education Program or Activity; or
- **Specific sexual crimes:** the following crimes defined under the Violence Against Women Act: "sexual assault", "dating violence", "domestic violence", or "stalking".

If the alleged behavior does not meet this definition, it is not within the scope of Title IX.

- Title IX also does not cover behavior that did not occur "against a person in the United States".

## ... In other words,

- “Sexual Harassment” that is covered by this process falls into one or more of three distinct categories:
  - Quid pro quo (“this for that”) harassment by a UMAE team member, OR
  - Conduct that is **all** of the following:
    - Unwelcome
    - Severe
    - Pervasive (i.e., repetitive or widespread)
    - Objectively offensive, OR
  - Sexual assault, dating violence, domestic violence, or stalking.
- Remember that the conduct has to be “on the basis of sex”.
  - Other types of alleged harassment (e.g., racial, disability) still need to be addressed – just under a different UMAE policy.
- Title IX Sexual Harassment is a **subset** of behavior that could constitute sexual and other harassment under UMAE’s other policies (e.g., *Non-Discrimination and Non-Harassment policy* or *Code of Conduct for Students*).





# Definition of UMAE's Educational Programs and Activities covered by Title IX

- UMAE's *Sexual Harassment Prohibited By Title IX* policy defines "Educational Programs or Activities" as:
  - a UMAE-sponsored location or event, OR
  - another circumstance over which UMAE exercised **substantial control** over **both**:
    - the context and
    - the Respondent to an allegation of Sexual Harassment.
- The online course environment is explicitly included in this definition.
- If the alleged behavior did not occur within the scope of UMAE's "Educational Programs or Activities", it is not within the scope of Title IX (but may be within scope of another UMA policy).



# Process for addressing allegations covered by Title IX

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*Sexual Harassment  
Prohibited By Title IX policy*



## Title IX Investigation Flow

If any bolded deadlines will not be met, Title IX Coordinator must send notice of postponement [use template] to Complainant and Respondent

- 1. An individual reports an allegation of conduct that relates to sex or gender.
  - If the concern is reported to the Title IX Coordinator, Associate Title IX Coordinator, or Campus Director, UMAE has Actual Knowledge.
  - Associate Title IX Coordinator assesses whether the allegations, if true, could constitute Sexual Harassment and occurred in UMAE's Educational Programs or Activities
    - If not, Associate Title IX Coordinator documents the decision in Title IX log and considers applicability of team member Non-Discrimination and Non-Harassment policy, Student Code of Conduct, or other policies.
- 2. If the allegations could constitute Sexual Harassment, Title IX Coordinator:
  - Reaches out to the Complainant within 7 days of report and discusses Supportive Measures and explains the process of filing a Formal Complaint.
  - Sends email documenting conversation [use template].
  - Can choose to file a Formal Complaint if the Complainant does not.
- 3. If a Formal Complaint is filed, Associate Title IX Coordinator issues a notice of allegations to the Complainant and Respondent [use template] within 14 days of filing of Formal Complaint.
  - Title IX Coordinator assigns an advisor to the Complainant or Respondent if requested.
- 4. If informal resolution is sought at any point:
  - Associate Title IX Coordinator determines whether both parties consent and if so, sends disclosure and consent form [use template].
  - Informal resolution is conducted by Associate Title IX Coordinator and should normally be completed within 45 days.
  - The terms of any informal resolution must be documented in an agreement signed by both the Complainant and Respondent [use template].
- 5. Investigator identified by Title IX Coordinator investigates within 60 days by:
  - Interviewing the Complainant and witnesses via recorded Teams meeting.
  - Gathering evidence, if any, (video, photos, chats/texts, etc.).
  - If needed, issuing revised notice of allegations with new allegations.
  - Interviewing Respondent via recorded Teams meeting.
  - Issuing notice of dismissal [use template] if:
    - the investigation indicates that the allegations do not meet the definition of Sexual Harassment (required)
    - Complainant requests dismissal (optional)
    - Respondent is no longer a UMAE student or team member (optional)
    - UMAE cannot gather sufficient evidence (optional)
- 6. Investigator prepares a draft investigation report and sends it to the Complainant and the Respondent [use template].
  - Investigation report should summarize contents of interviews and evidence and attach interview recordings and copies of all evidence.
  - Complainant and the Respondent must receive the draft report and be given 10 days to provide a response to it.
- 7. Investigator finalizes investigation report and sends it to the Complainant and Respondent.
  - The responses provided by the Complainant and Respondent (if any) should be incorporated into the report.
  - Investigation report should be sent within the 60-day investigation period.
  - The Complainant and Respondent must receive the finalized investigation report at least 10 days in advance of the hearing.
- 8. Title IX Coordinator chooses hearing panel, chairperson, stand-by advisors, and appeal person; confirms training is current for selected individuals; and identifies date for hearing. Hearing should normally be held within 120 days of filing of Formal Complaint.
- 9. Title IX or Associate Title IX Coordinator prepares and sends notice of hearing [use template].
- 10. Hearing is held by panel, led by the chairperson.
  - Hearings are held remotely and recorded through Teams.
  - Panel may ask questions of parties and witnesses. Parties may only question each other and witnesses through advisors.
    - If either the Complainant or the Respondent does not bring an advisor to the hearing, UMAE must provide one.
  - Chairperson determines relevancy of each question asked by a party's advisor before the question is answered.
- 11. Panel deliberates in private, then chairperson issues written decision within 14 days of hearing [use template] to Complainant and Respondent, including any sanctions and remedies.
  - Appeal form must be included with written decision.
- 12. Complainant or Respondent may appeal the decision within 14 days of receipt of the decision.
  - The Title IX Coordinator confirms that an acceptable basis for appeal has been identified and if so, sends notice of the appeal [use template] to both the Complainant and the Respondent.
  - The Complainant and Respondent must be given 14 days from receipt of the notice of appeal to submit information and documentation supporting or opposing the appeal.
- 13. The appeal person issues a written decision [use template] within 30 days of the deadline for the parties to submit supporting information or documentation.
- 14. Associate Title IX Coordinator will, within a reasonable timeframe, upload all highlighted documentation (in PDF format for documents) to the investigative file, which will be maintained for at least 7 years.

# How can incidents that might be Sexual Harassment be reported?

## Centralized Title IX email box

- [UMATitleIX@ultimatemedical.edu](mailto:UMATitleIX@ultimatemedical.edu)
- [TitleIX@Nasiumtraining.com](mailto:TitleIX@Nasiumtraining.com)
- [TitleIX@americaninstitute.edu](mailto:TitleIX@americaninstitute.edu)

## Title IX Coordinator directly

- Sue Edwards ([sedwards@ultimatemedical.edu](mailto:sedwards@ultimatemedical.edu) or 813-387-6784)

## Associate Title IX Coordinators directly

- UMAE team member matters: Sabrina Griffith Jackson ([sgriffith@ultimatemedical.edu](mailto:sgriffith@ultimatemedical.edu) or 813-363-2096) or Tinita Wright ([tihamilton@ultimatemedical.edu](mailto:tihamilton@ultimatemedical.edu) or 813-388-4781; Kayla Crouse ([kcrouse@ultimatemedical.edu](mailto:kcrouse@ultimatemedical.edu) or 813-283-6800), and Ingrid Johnston ([ijohnston@ultimatemedical.edu](mailto:ijohnston@ultimatemedical.edu) or 813-387-1037)
- UMA student matters: Lisa McClure ([lmccclure@ultimatemedical.edu](mailto:lmccclure@ultimatemedical.edu) or 813-676-1653)
- AI team member matters: Christine Bry ([cbry@americaninstitute.edu](mailto:cbry@americaninstitute.edu) or 484-332-9516)
- AI student matters: Christine Partite ([cpartite@americaninstitute.edu](mailto:cpartite@americaninstitute.edu) or 848-207-7650)

## Any Campus President

- Shadel Hamilton ([shhamilton@ultimatemedical.edu](mailto:shhamilton@ultimatemedical.edu) or 727-298-8685)
- Kim Colbert ([kcolbert@americaninstitute.edu](mailto:kcolbert@americaninstitute.edu) or 860-947-2299)
- Robert Moore ([rmoore@americaninstitute.edu](mailto:rmoore@americaninstitute.edu) or 856-444-5600)
- Angelique Bucoy-Oropel ([abucoyorope@americaninstitute.edu](mailto:abucoyorope@americaninstitute.edu) or 973-340-9500)
- Timothy M. Rodgers ([trodgers@americaninstitute.edu](mailto:trodgers@americaninstitute.edu) or 732-719-2730)
- Darlene Dourney ([ddourney@americaninstitute.edu](mailto:ddourney@americaninstitute.edu) or 732-201-8335)

# Report and initial assessment

- Only reports to the centralized Title IX email boxes, the Title IX Coordinator, Associate Title IX Coordinators, or Campus Presidents give UMAE “**Actual Knowledge**” under the policy.
  - “**Actual Knowledge**” triggers a school’s obligation to respond.
- The applicable Associate Title IX Coordinator consults the Title IX policy and assesses whether the allegations, if true, could constitute **Sexual Harassment** and occurred in UMAE’s **Educational Programs or Activities**.
  - If so, the Title IX Coordinator reaches out to the Complainant to offer “**Supportive Measures**” and explain the **Formal Complaint** process. Only the Complainant and Title IX Coordinator can file a Formal Complaint.
    - “**Supportive Measures**” are non-disciplinary, non-punitive and designed to “restore or preserve equal access” to the school’s programs without “unreasonably burdening” the other party. Examples: schedule modifications, mutual restrictions on contact.
  - If not, UMAE must consider whether other policies apply.



# Investigation - milestones

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- If a written Formal Complaint is filed, An Associate Title IX Coordinator issues a notice of allegations to the Complainant and Respondent.
- The Complainant, witnesses, and the Respondent are interviewed.
  - A party's advisor may attend an interview to which that party is invited but may only speak to the person being advised and may not disrupt the interview.
- Interviews and relevant evidence (recordings, videos, photos, chats/texts, etc.) are compiled into an investigation report.
- The Complainant and Respondent are given 10 days to review and respond to the **draft** investigation report. Their additional input (if any) is noted in the report and the report is finalized.
- The Complainant and Respondent must receive the **finalized** investigation report no later than 10 days before the hearing.



# Investigation – all relevant information goes into the report

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- An investigation report should include any information that tends to prove or to disprove the Complainant’s allegations and/or that the Respondent violated UMAE’s *Sexual Harassment Prohibited by Title IX* policy.
  - Both “inculpatory” and “exculpatory” evidence.
- The goal of the investigator is to compile available, relevant information (including evidence offered or identified by the Complainant, the Respondent, or any witnesses) into a report that will be used at the hearing.
- The investigator should screen information to include in the report based only on whether it is relevant, and **not** on whether the investigator finds the information to be credible. **Credibility determinations are the responsibility of the hearing panel.**
- Questions and evidence about a Complainant’s sexual predisposition or prior sexual behavior are not relevant, except where they:
  - Are offered to prove someone other than the Respondent committed alleged conduct, OR
  - Concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent AND are offered to prove consent on the occasion at issue in the investigation.



# Investigation – interviews are conducted remotely

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- Investigatory interviews will be conducted via recorded videoconference.
  - Microsoft Teams will be the platform of first resort, due to UMAE team members' ready familiarity with it based on required use at work.
  - Should an interviewee or hearing attendee not have access to Microsoft Teams, the interview or hearing will be conducted via Zoom, which can be made available free of cost to participants.
  - Once an interview or hearing has been recorded, the investigator or Title IX Coordinator should contact IT for instructions on uploading to the storage area designated for the recordings.
- Even where participants may be in the same building, each person will be required to log in separately (for attendance tracking purposes) and show video for the entirety of their participation.
  - One exception to the separate log-in requirement is that a party's advisor may attend in the same room as the party, with a single log-in.





# The hearing

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- The Title IX Coordinator chooses the hearing panel, chairperson, stand-by advisors, and the appeal person.
- Hearings are held by panel, led by the chairperson.
- Hearings are held remotely via recorded videoconference, subject to the same rules as investigatory interviews.
  - See previous slide for details.
  - If any party, advisor, witness, or panel member is unable to log into a hearing and be both seen and heard, the hearing should be postponed (and if necessary, rescheduled) until complete attendance and participation are possible.
- The panel may ask questions of parties and witnesses. Parties may only question each other and witnesses through advisors.
  - Advisors should participate in questioning and cross-examination on behalf of the party they are advising but may not otherwise speak to participants at the hearing.
  - If either the Complainant or the Respondent does not bring an advisor to the hearing, UMAE must provide one.
- The panel deliberates in private, then issues a written decision to the Complainant and Respondent within 14 days of the hearing, including any sanctions and remedies.



# Determining relevance at the hearing

Before any party or witness at a hearing answers a question posed by someone other than the panel, the panel (through the chairperson) must determine if the question or related evidence is relevant.

- The panel will consider the relevance of each question after it is asked but before it is answered. All participants in the hearing should be advised of this protocol at the outset to avoid a party or witness inadvertently answering an irrelevant question.
- The panel should control the pace of questioning.
- If the question or evidence is excluded, the chairperson must explain why.
  - If the party or the party's advisor disagrees with the panel's determination of relevance, the party or the party's advisor may state an objection for the recording but may not otherwise obstruct or impede the progress of the hearing.

As with the investigation report, questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant, except where they:

- Are offered to prove someone other than the Respondent committed the alleged conduct, OR
- Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent AND are offered to prove consent on the occasion at issue in the investigation.

Regardless of who poses the question or offers the evidence during a hearing, it should be done in a way that is:

- Not needlessly duplicative.
- Respectful to all involved in the hearing.

# Appeal

An appeal form must be included with the written notice of outcome.

The Complainant or Respondent may appeal the outcome within **14 days** of receipt of the notice of outcome.

When an appeal is received, the Title IX Coordinator confirms that an acceptable basis for appeal has been identified and if so, sends notice of the appeal to both the Complainant and the Respondent.

The Complainant and Respondent are given **14 days** from receipt of the notice of appeal to submit information and documentation supporting or opposing the appeal.

The appeal decision-maker issues a written decision within **30 days** of the deadline for the parties to submit supporting information or documentation.

# Informal resolution

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- Informal resolution can be requested by either party at any time before a final determination is made as to whether the Respondent violated the *Sexual Harassment Prohibited By Title IX* policy.
- Informal resolution **cannot** be used to resolve allegations that a team member sexually harassed a student.
- The process is completely voluntary; the informal resolution process terminates if one or both parties want to withdraw, at which point the Formal Complaint process resumes.
- For an informal resolution to be binding, an agreement of resolution must be signed by both the Complainant and Respondent.





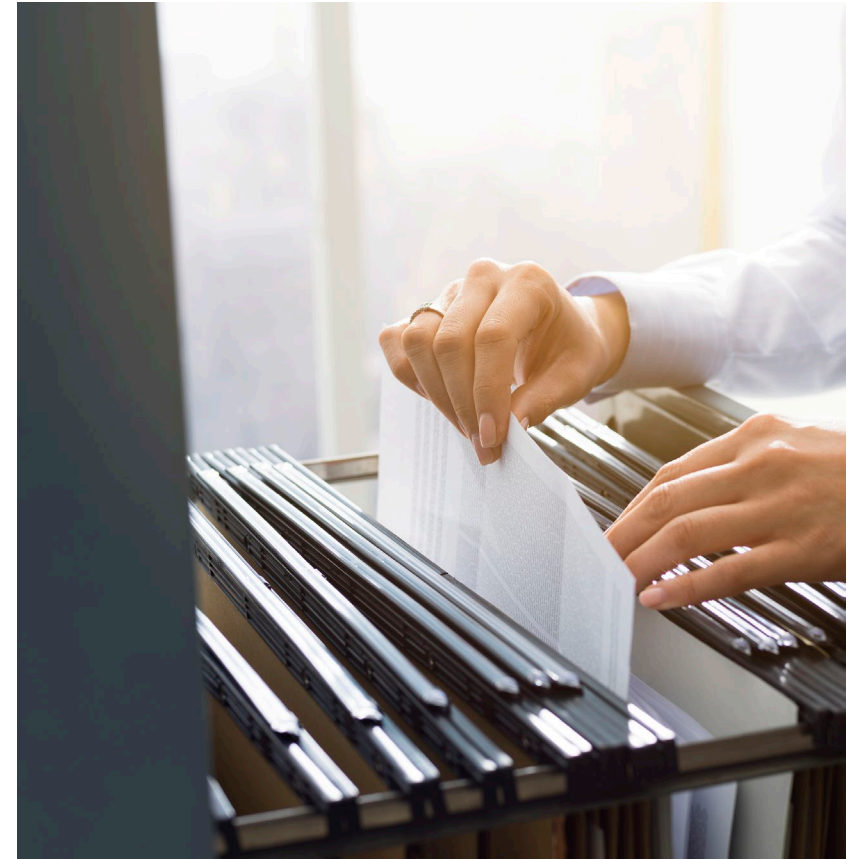
# Dismissal short of a hearing

- UMA **must** dismiss a Formal Complaint short of a hearing if the investigation indicates that the allegations do not meet the definition of Sexual Harassment in the *Sexual Harassment Prohibited By Title IX* policy
  - UMA **may** dismiss a Formal Complaint short of a hearing if:
    - the Complainant requests dismissal in writing,
    - the Respondent is no longer a student or team member of UMAE, or
    - if UMAE cannot gather sufficient evidence to make a determination.
  - A dismissal short of a hearing can be appealed by either the Complainant or the Respondent.
    - The same appeal process described for outcomes should be followed for appeals of dismissals.
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# Documentation

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- The relevant Associate Title IX Coordinator will, within a reasonable timeframe, upload all documentation and information highlighted on the checklist (in PDF where possible) in an access-restricted format to the centralized Title IX file **AND** the files of the Complainant and the Respondent in the Human Resources Information System or the Student Information System.
  - Interview and hearing recordings may be stored separately in an area designated by UMAE's IT team, due to restrictions posed by the recording file type.
- Documentation will be maintained for at least seven years.



# UMAE prohibits retaliation against:

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- Any person who reports an incident of Sexual Harassment.
- Any person who assists or participates in a proceeding, investigation or hearing relating to such allegations.

See the *Retaliation Policy*, the *Sexual Harassment Prohibited By Title IX* policy, and the *Team Member Complaint Procedure* in the Team Member Handbook and the *Code of Conduct for Students* in the Ultimate Medical Academy and American Institute catalogs.





# Confidentiality

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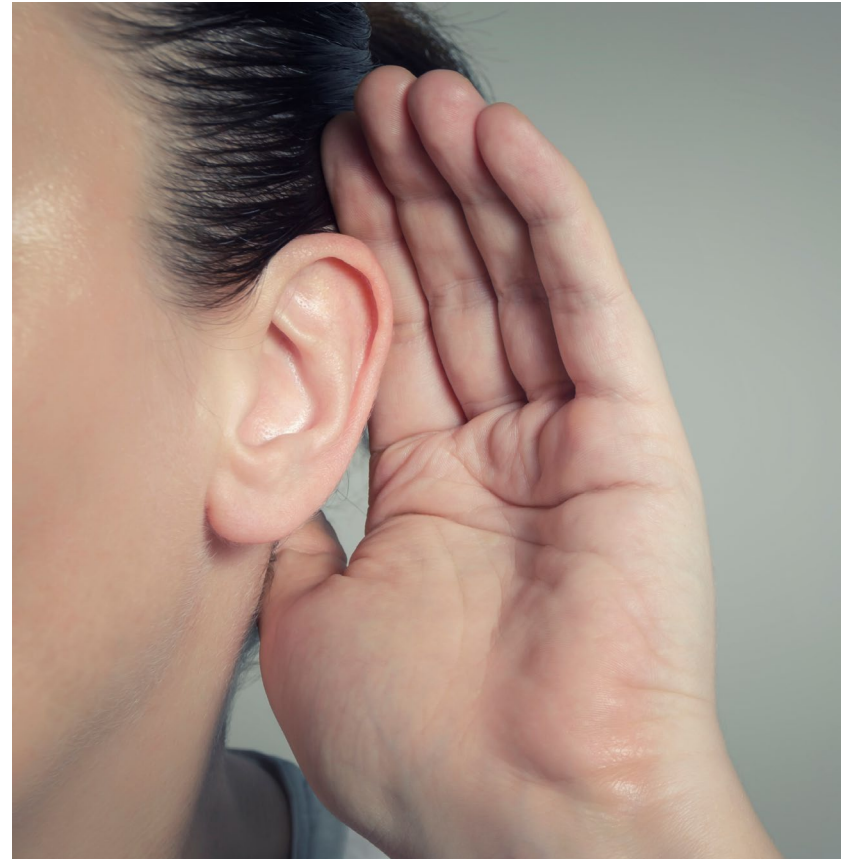
- Confidentiality will be maintained to the extent possible.
- The privacy of individuals involved, and compliance with the wishes of the Complainant, Respondent, or witnesses **cannot be guaranteed**, however, their wishes will be respected to the extent possible and appropriate.



# Confidential reporting

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- If students or team members wish to speak with someone who can assure confidentiality, they are encouraged to access third-party counseling services available below (toll free):
  - Students: Student Guidance Center 866-797-1622 or [mutualofomaha.com/eap](http://mutualofomaha.com/eap) (open 24/7)
  - Team Members: Employee Assistance Program at 800-316-2796
    - (Web ID: “UMASAP”)  
[ultimatemedical.edu/help](http://ultimatemedical.edu/help)



# Resources for Victims of Sexual Misconduct

RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization.

The National Sexual Assault Hotline is available 24/7

Additional local resources are available in the *Sexual Harassment Prohibited By Title IX* policy.

Telephone: 1-800-656-HOPE (4673)

Online chat:  
[hotline.rainn.org/online](https://hotline.rainn.org/online)

State specific resources:  
[rainn.org/state-resources](https://rainn.org/state-resources)

# Questions?

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Title IX Coordinator, Sue Edwards

- [sedwards@ultimatemedical.edu](mailto:sedwards@ultimatemedical.edu) or 813-387-6784

